

Political Parties, Party System and Democracy in India: A Study of Party Switching in India's State Legislatures (2014-2022)

*A thesis submitted during 2022 to the University of Hyderabad
in partial fulfilment of the award of the degree of*

**DOCTOR OF PHILOSOPHY
in
POLITICAL SCIENCE**

**by
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(Reg. No: 15SPPH01)**



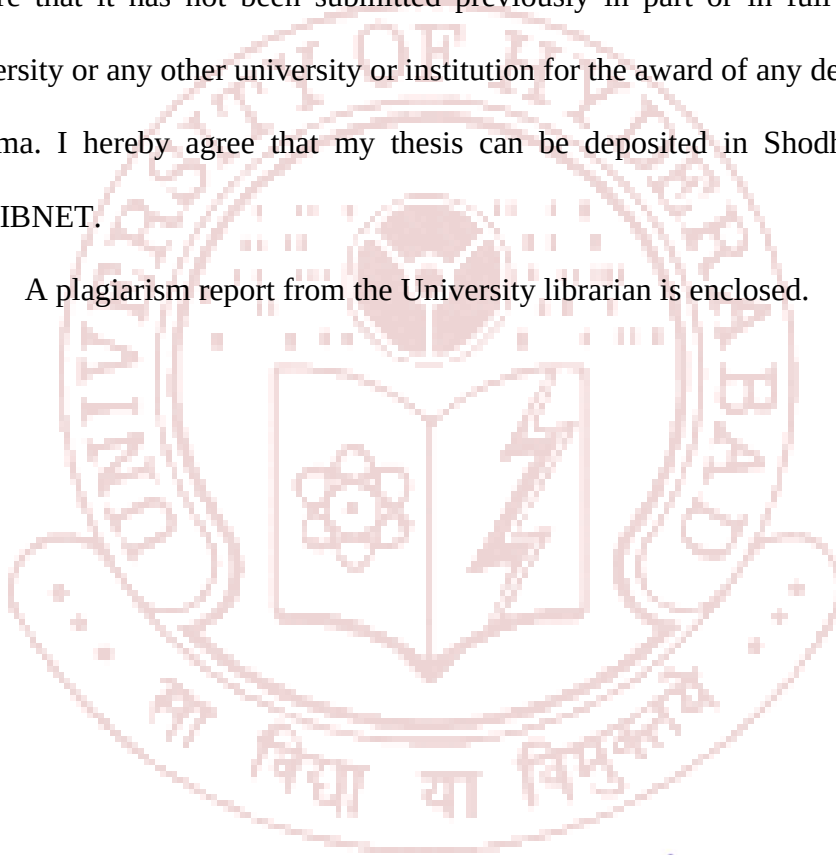
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DECLARATION

I, **Latha K V**, hereby declare that this thesis entitled '**Political Parties, Party System and Democracy in India: A Study of Party Switching in India's State Legislatures (2014-2022)**' submitted by me under the guidance and supervision of **Prof. K K Kailash**, is a bona-fide research work. I also declare that it has not been submitted previously in part or in full to this University or any other university or institution for the award of any degree or diploma. I hereby agree that my thesis can be deposited in Shodhganga/INFLIBNET.

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CERTIFICATE

This is to certify that the thesis titled **‘Political Parties, Party System and Democracy in India: A Study of Party Switching in India’s State Legislatures (2014-2022)’** submitted by **Latha K V** bearing registration number **15SPPH01** in partial fulfilment of the requirements for the award of the degree of Doctor of Philosophy in Political Science is a bona-fide work carried out by her under my supervision and guidance.

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A) The research scholar has published the following research article:

1) “A Critique on the Adjudicatory Power of the Speaker on Defections”, *Anvesak*, 52 (1), 2022, pp.27-33, ISSN 03784568.

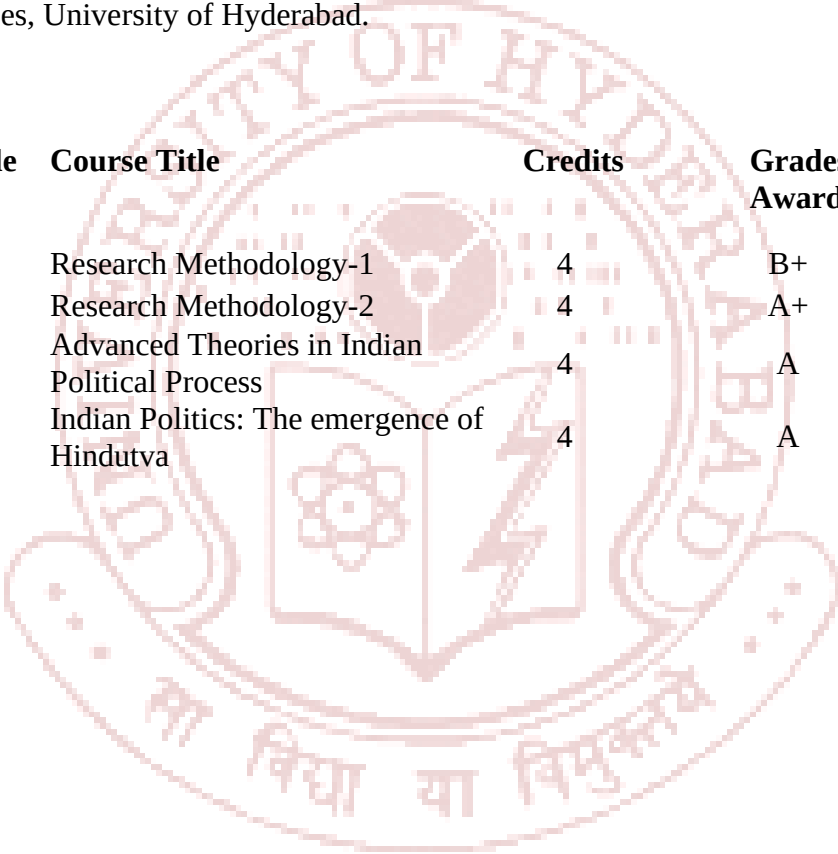
B) The research scholar has presented papers in the following international/national conferences/seminars

1) “Analysing the Costs and Benefits of Party Switching: A Case of Karnataka”, in an International Conference on “Political Science as a Discipline and Relevance of Social Science in the New World Order”, organised Maharani’s Arts Collage for Women, Mysore, during 25th & 26th February 2020

2) “The Role of Speaker: Partisan or Neutral in Deciding Defections?”, in one day National Seminar on Parliamentary Democracy in India: Problems and Prospects at

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I shall remain responsible for all errors, flaws, omissions, and limitations.

Latha K V

Dedication

To

My parents

Meenakshamma & Venkataramana Reddy

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List of Abbreviations

AP	:Andhra Pradesh
AAP	:Aam Aadmi Party
ADMK	:Anna Dravida Munnetra Kazhagam
ADR	:Association for Democratic Reforms
AGP	:Asom Gana Parishad
AIADMK	:All India Anna Dravida Munnetra Kazhagam
AICC	:All India Congress Committee
AIFB	:All India Forward Bloc
AIMIM	:All India Majlis-e-Ittehad-ul-Muslimeen
AINRC	:All India N Rangaswamy Congress
AITC	:All India Trinamool Congress
AIUDF	:All India United Democratic Front
AJSU	:All Jharkhand Students Union
AMMK	:Amma Makkal Munnetra Kazhagam
BJD	:Biju Janata Dal
BJP	:Bhartiya Janata Party
BRS	:Bharat Rashtra Samithi
BSP	:Bahujan Samaj Party
BSRC	:Badavara Shramikara Raitara Congress
BTP	:Bhartiya Tribal Party
BVP	:Bhartiya Vahini Party
CBI	:Central Bureau of Investigation
CPI [M]	:Communist Party of India [Marxist]
CPI	:Communist Party of India
CSDS	:Centre for the Study of Developing Societies
DMDK	:Desiya Murpokku Dravida Kazhagam
DMK	:Dravida Munnetra Kazhagam
DTDP	:Democratic Telugu Desam Party
ECI	:Election Commission of India
ED	:Enforcement Directorate
EP	:European Parliament
EPPG	:European Parliamentary Political Groups
FPTP	:First Past the Post
GHMC	:Greater Hyderabad Municipal Corporation
HJC	:Haryana Janhit Congress
HLP	:Haryana Lokhit Party
ICDS	:Integrated Child Development Scheme
ICT	:Information and Communication Technologies
IEMC	:Ittehad-e-Millat Council
INC	:Indian National Congress

INLD	:Indian National Lok Dal
JAP [L]	:Jan Adhikar Party [Loktantrik]
JCC	:Janata Congress Chattisgarh
JD [S]	:Janata Dal [Secular]
JJP	:Jannayak Janata Party
JKANC	:Jammu and Kashmir Awami National Conference
JMM	:Jharkhand Mukti Morcha
JSP	:Jana Sena Party
JVM [P]	:Jharkhand Vikas Morcha [Prajatantrik]
KEC [M]	:Kerala Congress [Mani]
KJP	:Karnataka Janata Paksha
KMPP	:Kisan Mazdoor Praja Party
LDF	:Left Democratic Front
LJP	:Lok Janshakthi Party
LS	:Lok Shakthi
MAG	:Maharashtrawadi Gomantak Party
MC	:Members of Congress
MDMDK	:Marumalarchi Dravida Munnetra Kazhagam
MEP	:Members of the European Parliament
MLA	:Member of Legislative Assembly
MLC	:Member of Legislative Council
MMP	:Mixed Member Proportional
MNF	:Mizo National Front
MNS	:Maharashtra Navnirman Sena
MP	:Member of Parliament
MPTC	:Mandal Parishad Territorial Constituency
MSCP	:Manipur State Congress Party
MVA	:Maha Vikas Aghadi
NCP	:Nationalist Congress Party
NCRWC	:National Commission to Review the Working of the
NDA	:National Democratic Alliance
NDA	:National Democratic Alliance
NDPP	:Nationalist Democratic Progressive Party
NES	:National Election Studies
NESDP	:North East Social Democratic Party
NISHA	:Nirbal India Shishit Hamara Aam Dal
NITI	:National Institute for Transforming India
NPEP	:National's People's Party
NPF	:Naga's People Front
NSAM	:Nav Jawan Sangarsh Morcha
NUZP	:National Unionist Zamindara Party
OBC	:Other Backward Class
PDF	:Progressive Democratic Front
PECP	:Peace Party

PEP	:Punjab Ekta Party
PEPSU	:Patiala East Punjab States Union
PMB	:Private Member Bills
PMK	:Pakkali Makkal Katchi
PMSP	:Pragatisheel Manav Samaj Party
PPA	:People's Party of Arunachal
PPG	:Parliamentary Party Groups
PR	:Proportional Representation
PSP	:Praja Socialist Party
QED	:Quami Ekta Dal
RJD	:Rashtriya Janata Dal
RLP	:Rashtriya Loktantrik Party
RLSP	:Rashtriya Lok Samata Party
RSP	:Revolutionary Socialist Party
RSS	:Rashtriya Swayamsevak Sangh
RTI	:Right To Information
SAD [D]	:Shiromani Akali Dal [Democratic]
SAD	:Shiromani Akali Dal
SC	:Scheduled Castes
SDF	:Sikkim Democratic Front
SHS	:Shiv sena
SJD	:Samajwadi Janata Dal
SJP	:Sikkim Janata Parishad
SKM	:Sikkim Krantikari Morcha
SMD	:Single Member District
SMDP	:Single Member District Plurality
SNTV	:Single Non-Transferable Vote
SP	:Samajwadi Party
SSP	:Samyukta Socialist Party
ST	:Scheduled Tribes
STV	:Split Ticket Voting
TDP	:Telugu Desam Party
TPCC	:Telangana Pradesh Congress Committee
TRS	:Telangana Rashtra Samiti
UDA	:United Democratic Alliance
UDF	:United Democratic Front
UDP	:United Democratic Party
UK	:United Kingdom
UP	:Uttar Pradesh
UPA	:United Progressive Alliance
USA	:United States of America
YSR	:Y S Rajashekar Reddy
YSRCP	:Yuvajana Shramika Raithu Congress Party

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Chapter-1

Introduction

Party switching¹, defined as—a “recorded change in party affiliation on the part of a politician holding or competing for elective office” (Heller & Mershon, 2009, p. 8). It violates the principles of representative democracy from a normative perspective as it intrudes on the contract between the legislator and the voters, destabilises the elected government, changes the strength of political parties in the legislature, and can help the representatives escape accountability and transparency. Despite these concerns, party switching is common in representative democracies. Initial research associated party switching with weakly institutionalised party systems. However, recent studies show that switching interrupts political parties and legislatures, even in established democracies and institutionalised party systems.

In the past two decades, party switching has received considerable theoretical and empirical attention in countries like Brazil, Canada, Italy, Japan, Malawi, Mexico, Poland, Russia, South Africa, Ukraine, and the United States of America (USA). The topic is of increasing interest to scholars both in countries where party switching is rampant and where switching is uncommon² due to its implications on democracy. There is a normative concern that recurrent defections could make parties meaningless, increase personalism and hollow out democracy. Additionally, there are concerns about political instability, corruption, and the increasing role of money in routine democratic political activity.

Party switching is recurrent in Indian democracy, despite the anti-defection law³ that provides for the disqualification of switchers. In India, defections have been examined mainly from a normative perspective, and most studies are rich in description⁴. While it is by and large an understudied area, explanatory studies are rare. Drawing from the existing theoretical explanations,

¹ This study uses the term party switching and defections interchangeably. While defining party switching, this study relies on the definition put forth by Heller and Mershon (2009, p. 8). This definition not only allows the Indian case to be comparable, and it also allows our research to add to the existing literature on party switching. Party Switching is known by various other names in the Commonwealth countries, the details are discussed in chapter two.

² Countries with high and low switching and the reasons for the difference are discussed in Chapter two.

³ The anti-defection law is legislation that carries some form of punitive measures on legislators switching parties. It was enacted in India as a Constitutional Amendment in 1985 and disqualifies legislators from the House for switching parties between the legislative terms. More details on the law are discussed in chapter three.

⁴ See Kashyap (1969) and Malhotra (2005).

this study aims to systematically explain the phenomenon of party switching using empirical data in India.

The study tries to answer why, when, and how party switching is rampant despite the anti-defection law in India. The study focuses primarily on four dimensions, the direction and timing of the switch and the electoral costs and benefits of switching for the legislators⁵. It explores how the federal institutional design aids the legislators at the state level to switch parties towards the ruling party/parties at the centre. It examines whether the direction of the shift is towards the government, the opposition, or the grey zone⁶ between the government and the opposition. It surveys the timing of the switch— early, mid, or end-term⁷ of the legislature. It further analyses the electoral performance of the defectors to see if the defectors see an increase or decrease in the vote share. It also examines the benefits/rewards that the legislators receive for switching parties.

The direction of the switch needs to be studied because, as switching is a calculated behaviour and not a random decision, it is interesting to see how legislators decide to jump into parties that maximise their benefits. It is known that all political parties do not have equal access to state resources and political influence. Hence, it is essential to see in which direction the MLAs switch to fulfil personal interests.

Studying the timing of the switch i.e., when the legislators actually shift parties will help understand their motives —vote, office,⁸ and policy⁹. Additionally, the existing studies show variations in the number of switches at different stages of the legislative cycle. Since switching is a calculated decision, legislators sometimes take, —days, months, and years to decide to switch. As the switching results in electoral costs, defectors try to switch in those periods when switching costs are minimal. Examining the electoral performance of the defectors' pre- and post-defections will shed light on the extent of voter retribution towards defectors. Higher electoral costs for

⁵ The word legislator means a representative of voters entrusted to make laws. In general, it includes Members of Lok Sabha and Rajya Sabha, Members of Legislative Council (MLCs) and Members of legislative Assembly (MLAs). In this study the word legislator is used primarily to refer to MLAs.

⁶ In this study the grey zone means shift from one opposition to other and contesting as an independent candidate.

⁷ These terms are defined in the methodology section of this chapter.

⁸ Office here includes other monetary benefits as well.

⁹ The vote motive means the legislators' wish to be re-elected. The office motive includes receiving ministerial posts, Committee assignments, appointment as party whips, speakers, deputy speaker, chairperson of state boards and other such positions in the government. The policy motive means the influence of the legislator in the law-making. The details on these three motives are discussed in chapter two.

defectors indicate greater political loyalty and partisan ties to the parties among the voters. Inspecting the office rewards offered to the defectors suggests the extent of corruption among the political parties and the legislators.

Political parties are key actors in representative democracies. Representatives associated with the political parties represent different ideologies, policy positions, and sections of society. In general, it is assumed that the voters choose their representatives based on the stand of representatives on issues and policies. In a representative democracy, political parties that secure a majority form the government, and other parties perform the role of opposition. However, party switching by elected representatives¹⁰ between elections would significantly alter the balance of power in government and among legislative parties. It can either reduce the strength of governing party/parties or opposition parties in the House. Nevertheless, there are contrasting views on party switching. On normative grounds, party switching violates the principle of representation, as the contract between the voters and the constituency's representative is deemed broken (DeSouza, 2001).

In contrast, some scholars (Heller & Mershon, 2009) see it positively¹¹ based on the rational choice approach¹² and regard it as part of the system. They also provide that some legislators see defections as a means to better represent constituents¹³. By switching parties' legislators can protect the interest of their constituents, especially when their political party fails to preserve the interest or acts in contrast to the interest of the voters. Legislators from the opposition parties, especially in underdeveloped constituencies, feel that they can better represent the interest of their constituency by being with the ruling party. Ruling parties have greater access to state resources in comparison to the opposition parties.

¹⁰ The researcher is aware that party switching is not limited only to politicians. Many non-political figures like army officers, sports stars, film stars, ex-bureaucrats and activists also switch parties. However, this study is interested in understanding party switching among legislators. The elected representatives make decisions in the legislature, and their shift changes the balance of power in the legislature in between the elections. This study is concerned with the switching of elected representatives.

¹¹ Positively here means, instead of criticising party switching it is seen as part of the system and a means to fight against authoritative party leadership and to carry the ideological stand of the representatives.

¹² This study uses the terms rational choice and strategic approach simultaneously. It assumes that man is self-interested, purposeful, constantly tries to maximise benefits and fulfil his goals. The details on this approach are discussed in Chapter two.

¹³ In this study the terms constituents and voters are used simultaneously.

Drawing from the rational choice approach-based studies on party switching in other countries, this study assumes that individual motivational factors —vote, office, and policy—significantly influence the legislators to change parties. However, institutional characteristics like party system organisation, political context, type of government, i.e., majority or coalition, and the federal institutional design would aid the legislators in switching parties.

The existing studies in India focus on the normative aspect of defections. For instance, one set of studies highlights how defections are a blow to democracy as it violates the mandate given by the voters (DeSouza, 2001; 2006; Guru, 2020; Kamath, 1985; Rodrigues, 2020). Another set of studies using the institutional-historical-legal perspective examine the loopholes in the anti-defection law and how various actors like the speakers and the chairman, political parties, and legislators have misused the law. For instance, DeSouza (2006), Kumar (2017), Sen (2021) and V. Reddy (2015), have examined the partisan nature of the Speakers. Gehlot (1991) explains the historical development of anti-defection law and highlights the restrictive provisions of the law. Kashyap (1993) examines the provisions of the anti-defection law and the parliamentary privileges.

Mittal (1991) shows how the anti-defection law averts dissent by MLAs. Similarly, Khanna and Shah (2012) have studied the effect of anti-defection law on the free-speech rights of the representatives. Sanyal (2014) highlights the gap between the intent and implications of anti-defection law. Guruvayurappan (2021) has examined the electoral impact of anti-defection laws and their effects on the candidates, voters, and political parties in the elections. He highlights that the law restricts the legislators from offering policies that their constituents wish. Instead, the legislators are limited to providing what their party wants. He argues that the law limits the options available to the voters as they must choose what political parties provide instead of what the candidates can offer. Though these existing studies help us understand the normative concerns of party switching, there are a limited number of empirical studies to understand the phenomenon of party switching.

A few existing studies move away from the normative dimension and provide a descriptive analysis of defection. However, they fall short of a comprehensive empirical analysis of the phenomenon. Kashyap (1969; 1974) has attempted to examine the causes of defections and the

consequences of defection on state governments. Nevertheless, his study was conducted before the implementation of the anti-defection law, and the investigation has examined only selected states where governments were destabilised on account of defection. Further, Kashyap has not analysed the timing, direction, electoral costs, and rewards offered to the defecting legislators.

Additionally, Malhotra's (2005) work describes the phenomenon of defections in the parliament and state legislative assemblies and councils from 1985 to 2005. His work offers a detailed report on the number of disqualification petitions filed and the number of petitions rejected and accepted in Lok Sabha, Rajya Sabha, state legislative assemblies, and councils. In addition, his work has also surveyed the number of demands made for mergers¹⁴ and splits¹⁵ and the number of requests accepted and rejected. However, both Kashyap (1969) and Malhotra's (2005) works merely describe and fall short of a systematic analysis of the phenomenon of party switching. This study moves beyond a normative critique and descriptive summary of defections. By systematically analysing the phenomenon of defection in India, this study adds to the existing literature on party switching.

In India, the so-called largest representative democracy, the practice of party switching among the legislators, i.e., Members of Parliament (MPs) and Members of Legislative Assembly (MLAs) within the legislative term, has been a significant political and institutional issue. India has witnessed defections from the pre-independence Central Legislative Assembly days (Kashyap, 1993, p.1). For example, Shyam Lal Nehru was elected to the central legislature from the Congress party; later, he switched to the British side (Malhotra, 2005, p.10). Likewise, in the 1937 elections, the Congress party had formed a majority government in the United Provinces¹⁶. However, the then chief minister of the United Provinces, Govind Ballabh Pant, persuaded many legislators, including Hafiz Mohammad Ibrahim¹⁷ of the Muslim League, to join Congress (Malhotra, 2005).

¹⁴ The merger of a political party is also called a fusion. A merger means two or more political parties come together to form a single entity/party. In general, small parties merge with major/large parties.

¹⁵ A split of a political party is also known as fission. Split means a group of legislators (faction/factions) exit from their parent party to form a separate party.

¹⁶ United Provinces was a British province in India that came into existence in 1921, and it mainly included the areas of present-day Uttar Pradesh and Uttarakhand.

¹⁷ Except for Hafiz Mohammed none of the defectors resigned their seats and re-contested from Congress ticket (Kashyap, 1974, p. 58).

Further, in the post-independence period, in 1948, Congress Socialist Party came out of the Congress party as they disliked the Congress party's tilted orientation towards landlords and the upper castes. Socialists favoured land reforms and village-oriented programs (Varshney & Sridharan, 2001, p. 230). This was used as grounds for justifying the split. Further, in 1950, 23 MLAs of Uttar Pradesh (UP) defected from the Congress to form Jana Congress. The reasons these legislators gave for defecting were the existence of groups in the Congress party, nepotism, and corruption in the administration (Kashyap, 1974, p. 58). With the first general elections to Lok Sabha and state legislative assemblies in 1952, defections continued to occur in Indian politics. However, the intensity of defections and their ability to cause political instability to elected governments was low until 1966. Initially, defections were considered a passing phase, but defections in India continued to rise and created increased political instability.

From 1967 there was a phenomenal increase in defections for the following reasons. First, the emergence of coalition governments¹⁸ in many states in the 1967 assembly elections resulted in legislators constantly shifting parties as the demand for the support of defectors increased for the sustenance and formation of state governments. Second, the decline of the power of the Congress party at the centre. In the 1967 Lok Sabha elections, the Congress party won lower seats compared to its seats in the first three Lok Sabha elections (see Table 4.4). Third, the Congress party, for the first time in the post-independence period, was experiencing a major internal fight between the Syndicate and Mrs. Indira Gandhi¹⁹.

Fourth, the rise of social consciousness among castes groups to represent their respective castes in politics is another significant reason that has aided defections. In this line, in their edited book '*Rise of Plebeians? Changing Face of Indian Legislative Assemblies*' Jaffrelot and Kumar (2009) have shown an increase in the number of MPs in Lok Sabha and MLAs in state legislative assemblies from the lower and backward castes. This identity consciousness among the politicians might have influenced the legislators to switch parties whenever the legislators felt their community's interest was unheard. This resulted in the rise of caste-based factions and new

¹⁸ The existing studies on party switching have observed that coalition governments may aid the legislators to switch parties frequently as the number of options available are more under coalition governments. In addition, under coalition governments, even a shift of a small number of legislators can change the balance of power in the legislature.

¹⁹ See Chapter three for more details on this point.

political parties based on caste and community identity from the late 1960s. The social churning in society is likely to influence the legislators to stay put or switch parties.

Fifth, politics as a profession in India allows politicians to quickly improve their social and economic status. In this regard, Chandra (2014, p. 26) has highlighted that the association with the state office guarantees high returns in terms of status, power, and earning capacity in comparison to other professions like bureaucracy, banking, and business. Defections are considered a vital factor in gaining immediate power. For instance, in the late 1960s, states where the governments were replaced because of defections, saw defectors as chief ministers (Kamath, 1985, p. 1045). These factors might have influenced the ambitious legislators to switch from the Congress party to other parties or start their parties, when they realised that the Congress party could not fulfil their ambitions.

This constant switching of parties to meet their desired goals increased political instability in the state governments (Kashyap, 1974). The regular disruption of elected governments due to defections at the state level led the parliament to enact a law that punishes the legislators for switching parties. Hence, the anti-defection law was enacted in 1985. Despite the law, legislators in India continue to switch parties. In fact, in the state legislatures since 1952, the number of defections has been increasing, and enforcement of the law that penalises defections has failed to prevent the menace of defections (see Table 1.1).

Table 1.1
Phase-wise Defections in Legislative Assemblies (1952-2022)

Four Phases²⁰	Period	Years	Elected MLAs*	Defectors	Defections (%)
1st Phase (Congress Dominance Era)	1952 -1966	14	10,675	542	5%
2nd Phase (Coalition Era)	1967- 1984	17	17,391	1,417	8%
3rd Phase (Post-Anti-defection law)	1985- 2013	28	26,974	2,410	9%
4th Phase (Fourth-Party System)²¹	2014- 2022	8	7,008	772	11%

Source: Kashyap (1974), TCPD Individual Incumbency Dataset, 1962-current. Trivedi Centre for Political Data, Ashoka University.

Note: * The number of elected MLAs includes all MLAs elected to state legislative assemblies and the union territories with legislative assemblies.

Table 1.1 indicates that the number of defections has increased in each phase. As mentioned earlier, India experienced a phenomenal increase in defections from 1967 (Sachdeva, 1989, p.158). The surge in defections was triggered by the decline of the Congress party's monopoly in the Indian election system. With the increased strength of political parties other than Congress in many states, the options available to legislators to switch parties increased. The change in the party system from one-party dominance to the coalition era aided the ambitious legislators in switching parties to meet their goals.

In the Congress dominance phase—votes, office, and policy were primarily controlled by the Congress party as it was in power at the centre and in most states (see Table 4.4 & 4.5). With the rise of coalition governments at the state level, other parties started possessing control. As a result, all those legislators dissatisfied with the Congress party for not being given office (ministerial berths) constantly switched parties. Nevertheless, defections were considered a temporary disturbance in political equilibrium and something natural in the realignment of political forces. Political analysts expected that defections would lead to democratic maturity and political stability (Kashyap, 1970).

²⁰ The researcher has categorised defections in India into four phases, and the details on defections in each of these phases are discussed in Chapter four.

²¹ In this study, the fourth-party system is from 2014-2022, but in the 5th chapter, the analysis is only till 2021. Since party switching is a continuous phenomenon, many legislators switch parties before elections. Several MLAs have switched parties during the 2022 assembly elections to some state assemblies. However, this list of defectors was not included in the analysis of the fifth chapter due to a shortage of time.

Conversely, defections continued to destabilise the governments and created political crises. After two failed attempts in 1973 and 1978²², the Indian parliament enacted the anti-defection law in 1985 with the 52nd Constitutional Amendment Act. The law intends to bring more stability to the government by curbing defections between the legislative terms. This law added the Tenth Schedule to the Indian Constitution and prohibited party switching by legislators in the parliament and state legislatures. The anti-defection law was supposed to deter defectors since the switchers could potentially be disqualified from the House.

Notwithstanding the Act and the subsequent amendments with stringent provisions, the magnitude of party switching in India's state legislatures has been increasing. The legislators, political parties, and even the speaker—the custodian of the law -- have found various ways to circumvent the law, thereby allowing the “evil of defections” to continue. Despite the law, defections were rampant in the 1980s. Further, in this period, many defectors were rewarded with offices in states like Himachal Pradesh, Haryana, Andhra Pradesh, and Jammu and Kashmir (Kamath, 1985, p. 1045). Surprisingly, with the law, the percentage of defections has increased in state legislative assemblies.

The following factors continue to influence the legislators to switch. First, as former prime minister, Morarji Desai had attributed the lack of character among present-day politicians as a significant reason for the rise of defections. In this line, we have witnessed several legislators showing disrespect towards the legislature, fighting with chairs and mikes, entering the well of the House, using unparliamentary words, and so on (2015 Kerala Assembly brawl case, 2021). All these indicate a decline in the overall character of the legislators. In this context, the MLAs do not see it as problematic to shift their political loyalty to a party that offers them maximum personal benefits.

Second, the role of financial inducements in influencing defections has long been present in Indian politics. In the 1960s, the money offered ranged between two and four lakhs. In the 1980's it was reported to be between one and two crores (Kamath, 1985). Recently, in the audio tapes released in the news, the MLAs in Karnataka and Telangana were offered 100 crores as a reward for shifting political loyalties (Audio tapes, 2019; Part 2 Audio Recording, 2022). These

²² The historical development of the anti-defection law in India is discussed in depth in chapter three.

reports indicate the flow of black money and the lowest ethical standards among politicians. We have witnessed that politicians are ready to sell their political loyalty to the highest bidder. It suggests legislators' lack of ideological and moral commitment to the political parties.

Third, political parties that need the support of defectors to be in power or to increase their political power continue to use various means to induce the defectors like—the use of government machinery like the police and investigative agencies by the ruling parties to intimidate the legislators. Further, parties use other means such as kidnapping and physical confinements, employing false charges of murder, drugging, keeping the legislators as captives in five-star hotels and resorts, and so on.

The data in Table 1.1 and 1.2 suggests that party switching in India continues despite the anti-defection law²³. In this context, this study attempts to answer the puzzling questions of why, when, and how the legislators shift parties despite the stringent law.

In the fourth-party system²⁴, from 2014, India witnessed an increase in defections in various states. In addition to the surge in defections, switching in the fourth phase led to several changes in the state legislatures. Party switching by MLAs in Uttarakhand, Karnataka, Madhya Pradesh, Maharashtra, and the union territory of Puducherry resulted in the termination of elected governments before the completion of the assembly term.

Besides, the balance of power²⁵ was altered among the legislative parties in states like Arunachal Pradesh, Goa, Manipur, and Sikkim²⁶ as a direct result of defections. In addition, the

²³The failure of this law to curb defections might have influenced Atal Bihari Vajpayee, the former prime minister, to make the following statement. “There are facilities available even for a heart transplant, but this syndrome of political defections is yet to find a remedy.”

²⁴ The existing studies on Indian politics have classified the Indian party system from 1952 to the present broadly into four-party systems. The first party system from 1952 to 1967 (the Congress dominance era). The second party system from 1968 to 1989 (the Congress opposition era). The third-party system from 1990 to 2014 (the coalition era). The fourth party system (second dominance system) is from 2014 to the present. For details on the classification and the main features of each party system see Appendix 1.

²⁵ The balance of power in this study means that the numerical strength of the legislative parties increased or decreased depending on the direction of switch by the MLAs. For instance, in Goa and Manipur, the strength of the ruling party increased, i.e., the Bharatiya Janata Party (BJP)’s seat share increased. In Sikkim, the strength of the opposition party, i.e., the BJP increased. In Meghalaya, the strength of the main opposition, the Congress, decreased, and the strength of the All-India Trinamool Congress (AITC) increased.

²⁶ In Sikkim, BJP received just 1.62% of votes in the 2019 assembly elections but became the state's main opposition party through defections. The BJP had never won a single seat in Sikkim, and its highest vote share in the state is 1.62% (Pisharoty, 2018).

main opposition parties lost their opposition status in states like Telangana, Assam, Punjab, Sikkim, and Meghalaya. The Nagaland legislative assembly has become opposition-less, with Naga People's Front (NPF)—the main opposition party, joining the government²⁷. Switching parties by the MLAs during the legislative term has led to several changes to the nature of legislative political parties and the government. Hence, it is essential to systematically examine the phenomenon of party switching by the MLAs in the fourth-party system.

1.1 Background of the Study

The Indian parliament passed the anti-defection law in 1985 to curb the menace of defection. This law penalises the MPs and MLAs for switching parties within the legislative term. Despite the law that punishes party switchers, defections are increasing and are affecting the stability of state governments in India, especially in the fourth-party system. Additionally, politicians and political parties have learned to manipulate the provisions of existing laws aimed at deterring defections.

The fourth-party system has increasingly witnessed a new type of party switching where the elected MLAs would resign²⁸ from their elected seats to bring down the existing government and place a new party in power. Besides, party switching in this phase has brought several changes to the balance of power in the legislatures. In some states, the main opposition parties have been electorally diminished. The BJP established itself in some north-eastern states where the party did not enjoy a prior electoral presence. In addition, BJP could form governments, independently or through the support of its allies, in many states with defectors.

Furthermore, despite comfortable majorities in Andhra Pradesh, Telangana and West Bengal, the ruling parties welcomed defectors to increase their political dominance and destroy their opponents. Defections induce changes in the nature and structure of the political parties and legislatures without the voters' consent. Surprisingly, shifting parties continue to be on the rise

²⁷ In Nagaland, currently Naga People's Front (NPF) has 25 seats, the Nationalist Democratic Progressive Party (NDPP) 21, the BJP 12 and independent candidates hold two seats. In August 2021, the NPF joined the government and now the present government is called Nagaland United Democratic Alliance (UDA).

²⁸ Details on resignation as a new strategy of defections are discussed in Chapter three.

despite laws to prevent the same. Hence, it is essential to understand why, when, and how defections occur in India.

1.2 Location and Time Frame of the Study

The research data shows that in India, the number of defections by the MLAs continues to increase (see Table 1.1). In contrast, the number of Lok Sabha Members of Parliament (MPs) switching parties has decreased after the enforcement of the anti-defection law (see Table 1.2). Besides, the defections at the state level²⁹ have subverted several elected governments in state legislatures since 1967. Conversely, defections by the Lok Sabha MPs³⁰ have not affected the power dynamics in the parliament to a significant extent. Therefore, this study examines party switching at the state legislative assemblies.

Table 1.2
Phase-wise Defections in Lok Sabha (1967-2022)

Phases of Defection	Years	MPs Elected	Defectors	Defections (%)
2 nd Phase ³¹ (Coalition Era)	17	2638	473	18%
3 rd Phase (Post-Anti-defection law)	28	3770	291	8%
4 th Phase (Fourth-Party System)	8	1086	69	6%

Source: TCPD Individual Incumbency Dataset, 1962-current". Trivedi Centre for Political Data, Ashoka University.

The decline in defections after the implementation of the anti-defection law in the Lok Sabha was facilitated by the following factors. First, from 1989 to 2014, no single party could win a majority at the centre. Due to the lack of a clear majority, coalition governments were formed at the centre for almost three decades. In coalition governments, the parties that were part of the government would have been able to negotiate and receive votes, office, and policy benefits for

²⁹ The researcher is aware that defections are present even in the legislative councils. However, this study examines defections by MLAs and not the MLCs because, unlike the MLCs, the MLAs are directly elected by the people. Besides, the shift of even a few MLAs can destabilise the state government. However, the change of parties by the MLCs does not result in replacing the state governments.

³⁰ In the fourth phase, between 2014 and 2021, thirteen Rajya Sabha MPs have switched parties. Ten of the thirteen MPs switched to the ruling party, i.e., the BJP.

³¹ There is no data on the number of defections in Lok Sabha for the 1st phase/Congress dominance era. However, Kashyap (1974) notes that the number of defections in this phase was low.

extending their support to the coalition government. Second, since the strength of the state legislative assemblies is much smaller than the strength of the Lok Sabha, the defection of a few MLAs can easily change the balance of power in the states, unlike in the Lok Sabha. This might have curbed defections to a large extent.

Third, in the fourth-party system, the number of defections in the Lok Sabha has decreased (see Table 1.2) because the BJP won a clear majority both in the 2014 and 2019 Lok Sabha elections by winning 282 and 303 seats, respectively. Therefore, limiting the need for external support through defections in the parliament. In contrast, in several state legislatures, no party could get a clear majority; in some states, parties secured a slim majority³² in this phase. In coalition governments and governments with slim majority the demand for defectors increases; as switching, even by a few legislators, can easily alter the government. Thereby, the number of switches in state legislative assemblies is higher than in Lok Sabha.

Fourth, as D. Singh (2021) notes, BJP tries to project its ideology and dependence on *Rashtriya Swayamsevak Sangh* (RSS)³³ at the national level. Conversely, it moved beyond its ideological orientation and has accepted leaders from various parties into the party at the state level³⁴ through defections. Fifth, the BJP's political and electoral base was mostly limited to the Hindi belt³⁵ until 2014. It expanded its base into other areas in the national elections since 2014. However, it was unsuccessful at winning state elections beyond its traditional geographical base. Thus, the party has encouraged defections in several states to make inroads into new areas and establish its political power. In its ambition to expand the party base and form governments in as many states as possible, the BJP has tried to mobilise defections in almost all states, not sparing big or small states.

³² A slim majority in this study means parties secured just one or two seats more than the majority mark of the legislative assembly.

³³ The RSS in the Hindi language means National Volunteer Organisation. It is a right-wing, voluntary organisation, founded in 1925 by Keshav Baliram Hedgewar and considered as a parent organisation of the BJP.

³⁴ As per the data collected by the researcher, the BJP has seen the maximum number of in-switches (MLAs joining the BJP). The details are discussed in the chapter five.

³⁵ The BJP's traditional geographical support came from the Hindi belt- it consists of Madhya Pradesh, Uttar Pradesh, Gujarat, Rajasthan, Maharashtra, and Chhattisgarh. In south India, it had a significant presence only in the state of Karnataka. From 2019, the BJP is becoming electorally significant in Telangana.

Sixth, several regional parties like Telugu Desam Party (TDP), Telangana Rashtra Samithi (TRS)³⁶, and All India Trinamool Congress (AITC), although they had secured a comfortable majority in the state assemblies, have encouraged defections in the past decade. These parties have welcomed defectors to increase their political strength, expand the party base in constituencies where it is traditionally weak, and in order to weaken the opposition. Nevertheless, as the BJP enjoyed a clear majority in the Lok Sabha, it did not welcome defection of Lok Sabha MPs from other parties. Interestingly, in Rajya Sabha, where the BJP was short of a majority, the party tried to influence the Rajya Sabha MPs of the opposition parties to join the BJP.

Seventh, states like Tamil Nadu, Andhra Pradesh, Rajasthan, Bihar, Chhattisgarh, and Punjab witnessed—the emergence of new parties (start-ups) formed by defectors. The new parties in these states are Amma Makkal Munnetra Kazhagam (AMMK), Jana Sena Party (JSP), Bharat Vahini Party (BVP), Jan Adhikar Party (Loktantrik), Janta Congress Chhattisgarh (JCC), and Punjab Ekta Party (PEP), respectively.

This study examines the number of defections in four different phases, the electoral costs of defections, number of male and female defectors from 1967³⁷ to 2022. From 2014 to 2021, this study examines the timing of defection, rewards that the defectors receive in return for switching, parties with a high number of in-switches and out-switches, and reasons for defections (as given by legislators). The rationale for this is as follows; first, in the fourth-party system, most states experienced destabilisation of governments when MLAs resigned and re-contested on a new party label.

Second, scholars like Kashyap (1969; 1970; 1974) and Kamath (1985) have documented party switching in the Congress dominance phase and during the coalition era. Likewise, Malhotra (2005) has recorded defections in the post-anti-defection phase. Party switching has become a recurrent feature in India's fourth-party system. Defections have led to the government crisis and political instability in several states. However, despite several newspaper and magazine reports, there are no systematic and scholarly works on defection. This study aims to fill this gap. Third,

³⁶ On 5th October 2022, the Election Commission of India accepted the request to rename the TRS as Bharat Rashtra Samithi (BRS). But this study uses its former name TRS.

³⁷ The study focuses on these aspects from 1967 for two reasons. One, from 1967, the implications of defections in bringing changes to the legislature were severe. Second, *Lok Dhaba* (Trivedi centre-Ashoka University) data sets on incumbency are available for most states only from the 1960s.

the data on the timing of the switch (exact date of the switch), benefits/rewards offered to defectors by the political parties, and the legislators' reasons for defections is drawn from newspaper and magazine reports. It is not easy to access information on these aspects from 1967. Therefore, these aspects are examined from 2014.

1.3 Research Questions

- 1) What determines party switching among MLAs in India?
- 2) What are the electoral costs and office benefits/rewards of party switching?
- 3) When is the appropriate time (context) for the MLAs to switch parties? Which direction do the MLAs switch?

1.4 Objectives of the Study

- 1) To understand the dynamics of party switching in India from 1951 to 2022.
- 2) To analyse the patterns of party switching in various states by focusing on the timing of defection, i.e., an early, mid, and end-term of the legislature.
- 3) To survey the direction of defection —whether the switch is to the ruling party, the opposition party, or the grey zone between the ruling and opposition.
- 4) To understand how federal institutional design in India influences defectors at the state level to decide the direction of the switch.

1.5 Methodology and Sources

Party switching is largely studied using strategic/rational choice approach³⁸ and institutional approach. However, the boundaries between these two approaches are not watertight. The adherents of the strategic approach believe that institutions can constrain and empower actors.

³⁸ Rational choice theory is an application of economics to understand political phenomena. This approach believes that political behaviour can be explained through 'value-neutral assumptions. It assumes that the individual performs a cost-benefit analysis to determine if the option available for him is right or not. It is used to predict the political behaviour of various actors. This approach was first introduced by Antony Downs in his book 'An Economic Theory of Democracy' (1957), followed by William Riker's in his book 'The Theory of Political Coalition (1962). Later, the approach was widely used in the late 20th Century. Political scientists continue to use the modified form of rational choice approach, with a belief that institutions structure the opportunities available to politicians.

Likewise, institutionalists consider legislators as individual actors. These approaches differ in their assumptions, analytical units, and methodology.

Scholars relying on the strategic approach assume that politicians are politically ambitious and always try to fulfil their ambition. The strategic approach is used in the works of Aldrich and Bianco (1992), Thames (2007), Heller and Mershon (2008), Mershon and Shvetsova (2013), McLaughlin (2012), Di Virgilio et al. (2012), Young (2014), Yoshinaka (2016), and Radean (2021). These scholars assume that three major motivational factors —votes, office, and policy, or sometimes the mix of these factors, play a vital role in influencing legislators’ decision to switch parties.

By drawing from the works of scholars using a rational approach, this study assumes that ‘political ambition’ drives politicians to switch parties. Politicians constantly try to maximize the benefits of being in power. This study believes switching is a strategic decision; the legislators would defect to another party only when the benefits are more than being in their present party. This study examines what determines legislators to switch, and under what circumstances

Although most studies use the rational choice approach in understanding party switching, some scholars, like Volpi (2017), and Knott (2017), believe that motivational factors are inadequate to explain the difference in the number of switches among countries and why party switching is rampant during specific periods. Therefore, they believe that institutional factors aid the politicians’ decision to switch.

Unlike the strategic approach, in the institutional approach, the unit of analysis is the macro-level context that determines party switching. Scholars like- Ferrara (2004), Kreuzer and Pettai (2003), Booysen (2006), Heller and Mershon (2008), Di Virgilio et al. (2012), McLaughlin (2012), O’Brien and Shomer (2013), Volpi (2017), Knott (2017), and Sevi et al. (2018), have used the ‘institutional approach’ to study party switching³⁹. Knott (2017) argues that institutional contexts provide incentives and act as constraints in influencing legislators to switch parties. This study also employs the institutional approach to see how the federal design and the nature of political parties influence the legislators to switch. Therefore, drawing from the scholarly works

³⁹ Scholars like Heller and Mershon (2008), Di Virgilio et al. (2012), McLaughlin (2012) have used both the approaches.

applying the rational choice and institutional approach, this study uses both to examine the phenomenon of defections in India.

The study relies on both primary and secondary sources of data. The primary source of the study is the extensive data collected from various newspapers and magazine reports on defections—names of defecting legislators, the party they switched from and to, the timing/date of defections, and the reasons for their switch between 2014 and 2021. The study has used the state legislature website and various newspaper reports to note the rewards offered to the defectors in terms of office, i.e., ministerial berths and other positions.

The study has also used multiple reports published by the Association for Democratic Reforms (ADR) to trace the list of defectors and compare defectors' assets, pre-, and post-switch. Besides, it has used *Lok Dhaba* (Trivedi centre-Ashoka University) data sets on incumbency to list the defectors from 1967 to 2022. In addition, results of state assembly elections and by-polls statistical reports published by the Election Commission of India (ECI) were used for information on the political party that the MLAs contested, constituency, gender, and percentage of votes pre- and post-switch. Besides, the state-wise cases of defections, splits, and mergers between 1985 and 2005 are drawn from Malhotra's (2005) work. This study also examines the direction of the switch and the electoral performance of defectors from 1967 to 2022. The timing of the switch, reasons for the switch, and the rewards received by defectors are analysed from 2014-2021.

The schedule of legislative terms for state assemblies differed from state to state. To examine the timing of the switch, the term of the legislative assembly was broadly divided into three stages. Any switch from the first day of the declaration of results to the first six months of the legislative term is considered an 'early switch'. Correspondingly, the change of parties in the last six months of the assembly term is regarded as an 'end-term switch'. Any switch between the first six months and the last six months of the legislative term is measured as a mid-term switch. The secondary sources include books, journal articles, and multiple reports.

1.6 Significance of the Study

This study is significant for the following reasons. First, in India, a fair amount of research exists on institutions like parliament/state legislature and political parties. This study examines

how agents act; in this case, analysing the defectors' behaviour would contribute to understanding how political agents function. Second, by examining the political behaviour of the defected MLAs the study would contribute to political behaviour studies and add to the literature on legislative studies in India.

Third, the existing studies on party switching in India focus on the moral dimension of defections and point out the lacunae in the anti-defection law and its usage and misuse by the political parties, legislators, and speakers. By explaining time/context, the direction of switching, and electoral costs and benefits associated with party switching, this study contributes to the literature on party switching in India. Fourth, it would contribute to the comparative literature on party switching by explaining the Indian case.

Fifth, there is no systematic empirical research on party switching in the Indian context. Though some efforts are made to study cross-national party switching (O'Brien & Shomer, 2013), there is very little analysis of defections in India. Thereby, this study contributes to the empirical research on party switching. Sixth, the existing studies on Indian politics primarily emphasise elections. Nevertheless, there need to be more studies focusing on what changes the political parties and party system between the polls. Therefore, by examining changes in the legislatures between the elections, this study provides a new dimension to understand Indian politics. This study would interest those studying party switching, Indian politics, party politics, and comparative politics.

1.7 Chapterisation

This thesis is structured as follows. The **“Introduction”** provides an outline of the chapters. It lays a foundation for the study by discussing the research gap in the literature, the background of the study, research questions, objectives, location and time frame, sources, and research methodology. The last part highlights the significance of the study.

The second chapter, **“Party Switching: A Conceptual Framework,”** provides an overview of the literature on party switching and sets the theoretical framework for the study. It attempts the conceptualisation of party switching. This chapter has formulated hypotheses for the study based on theoretical and empirical explanations in other countries. It also highlights the significance of

studying party switching. It elaborates on the determinants of party switching—individual, institutional, context, and constituency-specific factors, the timing of the parliamentary cycle, and ideology. In addition, it examines the costs and benefits of party switching for the parties and the legislators. The penultimate section brings out the significant consequences of party switching. The last section looks at the relationship between representation and party switching.

The third chapter, *“A Critique on Anti-defection Law in India,”* describes the historical development and the context in which the Indian parliament introduced anti-defection law. It notes the provisions of the law and how the law has been used/misused by various political actors. It further examines the criticisms, the loopholes in the law and the suggestions to strengthen the law as noted by constitutional experts, academicians, judges, and politicians. The last section throws light on the presence of anti-defection laws in other parts of the world and discusses the effects of such laws on democracy.

The fourth chapter, *“The Trajectory of Party Switching in India from 1952 to the Present,”* examines defections from 1952 to 2022 in four different phases. It explains the probable reasons for low defections in the Congress dominance phase (1952-1966) and the reasons for the rise of defections in the subsequent three phases. It explores the role of Indian federal institutional design in influencing MLAs to switch parties in the four phases mentioned above. It also observes the direction of the switch, electoral performances, and the number of defections by male and female legislators from 1967 to 2022. The chapter illustrates that the ruling parties at the centre use their power to replace governments headed by their opponents the states. This chapter underlines that the increase in coalition governments has aided ambitious legislators to switch parties to meet their personal goals.

The fifth chapter, *“Party Switching in India’s State Legislatures (2014 to 2021)”* explains why political parties’ welcome defectors and the factors influencing the legislators to switch parties. It shows that the vote, office, and profit motive significantly influence the defections. It analyses the electoral performance of the defectors. The findings suggest that the voters' retribution to the defectors depends on the direction of the switch, the type of party and the timings of the switch. The end-term switchers will likely face higher electoral costs than mid and early-term switchers. The chapter highlights that in contrast to other countries where the switching is more either at the

early or mid-term, in India, most defectors switch at the end-term of the assembly. Further, it illustrates that defectors try to build a ‘principled’ image against the ‘opportunist’ image of defections. Hence, the switchers try to provide ‘principled’ reasons for shifting parties. The defectors do this to reduce the voters’ retribution for switching parties without their consent. It provides that the direction of the switch of defectors is tilted towards the ruling party/parties as they enjoy greater political influence and easy access to state resources.

The “*Conclusion*” summarises the key findings of the study and highlights areas for further research on party switching in India.

Chapter-2

Party Switching: A Conceptual Framework

2.1 Introduction

Party switching is prevalent in most representative democracies across the globe. On ethical grounds, party switching is considered a violation of representation as the contract between the voters and the constituency's representative is deemed to be broken. In contrast, scholars using the rational choice approach consider it part of the system. Some even see it as a means for better representation of constituents. This chapter analyses the literature on party switching in other countries, based on these studies it conceptualises party switching. It provides a theoretical framework to systematically understand the phenomenon of party switching in India. It reviews both the theoretical and empirical studies on party switching. Based on the existing literature, the study has formulated hypotheses to understand the phenomenon of party switching in India.

The map of this chapter is as follows. The chapter is organised into four major sections. The first section has four parts. It starts by reviewing the extant literature on the importance of political parties in representative democracies. The second part attempts the conceptualisation of party switching. The third part highlights the significance of studying party switching. The last part provides a detailed account of the determinants of party switching-individual, institutional, context, and constituency-specific factors, the timing of the legislative cycle, and ideology. The second section examines the costs and benefits of party switching for the political parties and legislators. The third section spells out the substantial consequences of party switching. The last section looks at the relationship between representation and party switching. This chapter sets the explanatory framework for this study.

2.2 Political Parties and Representative Democracy

The functioning of democracy seems to be in an evolutionary process wherein the parties have emerged as significant collective actors which carry democratic procedures and practices. With the expansion of the population and territory of the nation-states, it became unimaginable to have a direct democracy like the one that prevailed in ancient Greek city-states, where all citizens would

take part directly in the legislation process. Therefore, it became essential to have a representative democracy where representatives would act as the ‘agents of people’ in the legislature.

With the increased population, though the individual candidates could act as agents of their voters at the constituency level, there was difficulty representing the larger interest at the country level. Therefore, this led to the invention of an institutional entity called political parties that can represent voters' interests at the national level. Hence, it is essential to know what defines political parties. According to Duverger, political parties consist of a group of individuals who come together to gain and exercise political power⁴⁰. Political parties took their modern form during the 19th century in Europe and America. Parties have spread throughout the world in the 20th century, with the widespread adoption of the parliamentary system (Duverger, n. d).

Political parties are indispensable for representative democracy, as they carry out the vital function of representing people's needs, aspirations, and demands. Individuals join to form political parties because they aim for governmental power through a larger ‘collective will’ than the individual whim. Modern governments possess vast resources, organisation, authority and have an administrative establishment. In democracy political parties that secure a majority form the government. Therefore, parties aim to gain power so that they can have access to state resources. Political parties function based on mass support. Political parties have an essential role in shaping a democratic government; thus, the working of democracy is considered ‘unthinkable’ without political parties (Schattschneider, 1942, p.1).

Besides being appendages to the government, political parties are central in government and play a determinative and creative role in the government (Schattschneider, 1942). He further suggests that it is based on party politics that a distinction is made between democracy and dictatorship. Political parties do not capture power by coup d'état; instead, they act within the framework of a regime, i.e., they mostly use peaceful and constitutional means to capture power. Political parties are considered the lifeblood of democratic institutions. Although many countries do not mention political parties in their constitutions, parties are seen as essential and have received legitimacy in most or all democracies (Arora, 2007).

⁴⁰ Power here means control over the government (Schattschneider, 1942, p. 35).

Political parties can change the nature of the political system. In that case, it is essential to note how parties act as a link between the individuals and the government in a democratic system. All political parties have programs and agendas differentiating them from one another. The programs and promises of parties are more important than individual candidates because most parties stand for an ideology. In contrast, candidates to gain votes try to avoid more tough/controversial issues (Duverger, n. d).

As Desposato (2006) notes, political parties are essential not just for democracy but also for politicians because parties provide brand images, mobilisational and financial resources. Though individual candidates can be elected as independent candidates, it is challenging for them to enter the government as independents. Political parties also provide information shortcuts for voters and party members (Cox, 1987). This is one of the reasons why voters and members associate with political parties. Except in rare cases, independent candidates will not be included in the government unless the ruling party lacks a majority. This is another reason why legislators associate themselves with one or the other party so that they can be in the executive. For the politicians to fulfil their ambitions of 'office and policy,' getting elected is not sufficient; instead, they aim to be a part of the government.

In parliamentary systems, it is assumed that it is the parties that control the legislative business. In contrast, the executive controls — the majority party through its ministers, initiates new legislations, or brings change to the existing laws (Cox, 1987). Moreover, the time allocated to independent candidates to participate during question hour is also less than the time given to a representative from the party. Another reason candidates attach to a political party is that they play an essential role in initiating and deciding policy outcomes (Heller & Mershon, 2009).

Along with influencing policy, other reasons individual candidates associate with political parties are that parties provide private goods and club goods to their members. The 'private goods' are rival and exclusive, generally, its consumption by one might reduce its availability to the other, for instance, pork-barrel⁴¹, nominations to the elected office, and committee assignments. In contrast, the 'club goods' are available equally to all party members, such as the electoral value of

⁴¹ Pork-barrel means getting special benefits or projects like roads, schools, health facilities to the district or the constituency of the legislator to get more votes/support.

the party (Desposato, 2009, p.111).

Apart from the individual candidates' relationship with a party, the party labels also play a crucial role in staying connected with the larger entity and cementing the candidate's strength among the voters. The extant literature shows that a party label is essential both for the candidates and voters. The candidates stick to party labels for both intangible and tangible reasons. One of the main intangible reasons is politicians' satisfaction derived from being a member of a party whose ideology is the same as his ideology (Miskin, 2003). In addition to the intangible benefits, parties also provide tangible benefits like provision for office, campaign resources, an appointment to legislative committees, positions in the executive, party's backing of policies favoured by legislators (Miskin, 2003; Mershon & Shvetsova, 2013, p. 37). Besides, political parties help in advertising, and after assuming power, they manage the affairs of government.

Along with the candidates, the party label is essential for voters for the following reasons. First, the party label makes a candidate electorally recognisable by associating the candidate with a well-known political program of a particular party. Second, it can enhance the voter's perception of the image of a candidate because the voters will trust the larger political network than the candidate. Third, due to the limitation of time on the political career of an individual candidate-representative as a person is less beholden, i.e., an individual candidate is less accountable to voters than the political party (Mershon & Shvetsova 2013, p. 37). Like in most democracies, parties have played and continue to play a vital role in Indian democracy, despite some leaders' insistence on having party-less democracy⁴².

From the above discussion, we can draw that a party label is essential for the candidates and the voters in the elections. Here is an example illustrating that both the contesting candidates and the voters value party labels in India. Manabendra Shah, the last ruling king of Garhwal Kingdom, represented the Tehri Lok Sabha constituency eight times. In the 2nd, 3rd, and 4th Lok Sabha, he represented Indian National Congress (INC). However, in 1971, he contested as an independent, but he lost that election, and within no time, he switched to the BJP and won five more terms (Chhibber et al., 2019). This points out that despite being an MP for three terms and

⁴² For instance, in 1948, Mahatma Gandhi had suggested the dissolution of the Congress party and turning it into Lok Sevak Sangh. Later, M.N Roy and Jayaprakash Narayan also spoke about having party-less democracy.

creating his cult in his constituency, he lost the elections when he contested as an independent candidate. This suggests that voters want their legislators to be affiliated with political parties.

The reason being, voters are aware that the party plays a crucial role in influencing policy and bringing development than what an individual legislator can do⁴³. At least a section of voters associate with a party because of its ideology, and they can hold the party responsible for its actions and inactions. As mentioned earlier, political parties play a vital role in representing the interests of people. The importance that the voters attach to political parties in India can be substantiated from the following points. First, as per the Centre for the Study of Developing Societies (CSDS)–National Election Studies (NES) 2014 pre-poll survey data, most voters in India consider the party rather than the candidate while casting their vote.

Second, Chhibber et al. (2019) have shown that although the number of candidates contesting as independents in Lok Sabha elections has increased, there is a gradual decrease in the number of independent candidates elected⁴⁴. Independent candidates are often seen as ‘spoilers’ who contest merely to cut the winning candidates' votes. Therefore, we can say that it is the parties that matter more than the candidates.

Third, in the era of Congress dominance under Jawaharlal Nehru (1950s–1960s), fourteen Private Member Bills (PMBs) were passed; gradually, there is a decrease in the number of PMBs passed (Dash, 2014). This directs that the ruling party/parties enjoy sole control over the formulation of policies, not individual legislators.

Fourth, although political parties in India do not differ in programmatic politics, the party label is still valuable because political parties are connected to ethnic groups, social bases, and families (Vaishnav, 2017, p.104). This will help the candidate receive more votes. Fifth, as Vaishnav suggests, poverty and illiteracy rates are high in India, party labels provide a visual cue for many voters to connect with electoral politics. Sixth, based on the anecdotal evidence, we can argue that political parties control individual legislators' political careers, from issuing tickets to

⁴³ This is true especially when the political party is part of the government.

⁴⁴ For instance, in 1962, nearly 24% of the total contested candidates were independents, and their vote share was 11%, but in 2014 almost 40 % of contested candidates were independent candidates and secured only 6% vote share. From the 1990's the number of seats won by independents has remained in single digits. In 2014 and 2019, Lok Sabha, only three and four candidates respectively, were elected as independents (Lok Sabha polls, 2019).

distributing portfolios and committee positions.

The existing literature has established that in a representative democracy, representation through the party has established a moral framework and has set an ethical code for the functioning of the party, candidate, and voters' relationship. Thus, the delineated moral and ethical code has also been legalised in the form of the anti-defection law. Therefore, this normative framework has been used to evaluate the parties and candidates' political behaviours.

Ironically, defectors are being re-elected, although voters attach great significance to the parties and have a normative framework condemning defections. When parties and candidates are seen as intrinsically interconnected, then the question is, how do we understand the phenomenal rise of party switching. Party switching has led to questioning the role of representatives and political parties in a democracy. When legislators are elected from one party, but switch to another party in between the elections, it raises questions about the principles of representative democracy. After a brief discussion on the importance of political parties in a representative democracy, the value of party labels for the parties and the individuals, and how, on the normative ground, party switching is seen as a violation of the core principle of representative democracy, it is essential to understand party switching conceptually.

2.3 Conceptualising Party Switching

Party switching refers to a 'change in party affiliation by a politician holding or competing for elective office' (Heller & Mershon, 2009, p. 8). Party switching is known by different nomenclatures. The term party switching is mainly used in countries outside the Commonwealth. In contrast, in Commonwealth countries, it is known by various names like defection, partisan conversion, inter-party movement, floor-crossing⁴⁵, party-hopping, waka- jumping (primarily used in New Zealand, which means jumping ship) (Malhotra, 2005, p. 15). In Ecuador, it is referred to as "*camisetazos*" (change of shirts) (Mejía-Acosta, 2004, p. 162). In Morocco, it is called 'Political Nomadism' (DeSouza, 2006). This study uses the term party switching as defined by Heller and Mershon (2009, p. 8). Therefore, 'switch' in this study means an elected legislator leaves his

⁴⁵ Sometimes it is used to refer to 'voting with the opposition parties' without changing party affiliation (Miskin, 2003), here it means changing political parties.

present party to join another party, start a new party, or contest as an independent candidate.

Studies show that party switching is widely prevalent in most representative democracies (Heller & Mershon, 2009). However, they provide that there are differences in the number of switches from country to country based on the institutional context⁴⁶, the party system, and the time periods. Like the variation in countries, we find variation in the number of switches among parties. While some parties do not experience switching, a few parties experience some switching, while others experience a large-scale defection (O'Brien & Shomer, 2013, p.115). They further indicate that the variation of party switching among parties might be because of the parties' ideological positions, the governing status, i.e., whether the parties are in the ruling coalition or opposition, the kind of party institutionalisation (weak or strong), and the role of leadership.

Table 2.1
List of Countries that did not Experience Party Switching

Sl. No	Country	Continent	Year of 1st Election	Electoral System
1	Austria	Europe	1955	PR
2	Iceland		1944	PR
3	Sweden		1814	PR
4	Switzerland		1648	PR
5	Chile	South America	1818	PR

Source: Created by the researcher based on O'Brien and Shomer (2013).

O'Brien and Shomer (2013), in their study on cross-national analysis of party switching in twenty democracies, observe that the countries listed in Table 2.1 did not experience party switching. Nevertheless, they do not explain why there is no switching in these countries. One probable reason could be that in these countries' democracy was established much earlier than in many Asian and African countries. Studies have shown that longer association with democracy is likely to reduce switching.

⁴⁶ Institutional context means the type of electoral system and the regime type that the country follows. More details on this are discussed in section 2.5.2.

Another reason could be that all these countries follow Proportional Representation (PR)⁴⁷ system, where the candidate's success in elections depends upon the party rather than the candidate's reputation (personal vote). This forces the candidates to stay put with their party because the representatives elected under the PR system might not be sure of their victory in the new party. However, party switching is rare in the following countries despite the First-Past-the-Post (FPTP)⁴⁸ electoral system.

Table 2.2
Countries where Switching is Minimal and Reasons

Sl. No	Reasons for Low-Party Switching	Electoral System	Countries & Year of Independence
1	Existence of a two-party system	FPTP	United Kingdom (1707) USA ⁴⁹ (1776) Australia ⁵⁰ (1901)
2	Strong party cohesion		
3	Strong ideological differences among the parties and the voters		
4	Partisan attachment is nurtured over a long period which cannot be changed often		
5	Due to stable party systems, changing party affiliation is seen as a dishonourable event		
6	Voters support politicians whose policy positions match their policy positions.		

Source: Created by the researcher based on Heller & Mershon (2009, p. 4), Miners, (1971), Young, (2014, p. 105).

⁴⁷ In the closed list Proportional Representation system, the parties make lists of candidates to be elected from their parties. In this system voters cannot express their preference for a particular candidate, South Africa is an example. In Open list PR voters can indicate their favoured party and favoured candidate within that party, examples Brazil and Finland. (For details see <http://aceproject.org/ace-en/topics/es/esd/esd02/esd02e/esd02e03>).

⁴⁸ The First Past the Post is also known as a simple plurality/ majority system or single member districts. It is a candidate centred voting system. The candidate who wins the most or highest votes is declared victorious. This system is seen in the U.K, India, the USA, Canada, and others. (For details see <http://aceproject.org/ace-en/topics/es/esd/esd01/default>).

⁴⁹ In 163 years only 160 members of Congress and 38 Senators have switched in the USA (Heller & Mershon, 2009).

⁵⁰ From the 1990's to 2002 there were only 8, 12, and 17 defections in the UK, the USA, and Australia respectively (Miskin, 2003, p. 4).

Table 2.3
Countries where Party Switching is Rampant and Reasons

Sl. No	Major Reason for High Switching	Country
1	Voting is mainly based on ethnicity, i.e., voters vote for candidates based on their shared ethnic identity irrespective of his/her party affiliation	South Africa, Brazil ⁵¹
2	Voters vote mainly for pork-barrel/ developmental projects that the legislator can get for his constituency than for the party ideas and policies	Japan
3	Due to the weak and low level of institutionalisation ⁵² of the party system	Brazil, Italy ⁵³ , & Canada ⁵⁴
4	Personality-based voting ⁵⁵ and new democracies that were undergoing political transition	Russia, Bolivia, Ecuador ⁵⁶ , Hungary, Poland, Nepal, Philippines, Taiwan, India, Spain & South Korea ⁵⁷
5	Due to institutional design ⁵⁸	Panama ⁵⁹
6	Parties lack ideological or programmatic differences	Zambia ⁶⁰ , Kenya, & South Africa

Source: Created by the researcher based on Mershon & Shvetsova, (2013), Di Virgilio et al., (2012, p. 30), Desposato, (2006, p. 62).

⁵¹In Brazil between 2002 and 2006 the Socialist People's Party lost nearly 85% of its members (O'Brien & Shomer, 2013, p.115).

⁵² Weak institutionalisation means political parties have weak roots in society, thereby; the voters keep shifting their electoral allegiance from one election to another (Mainwaring & Torcal, 2006, p. 206). Details on the strong and weak institutionalisation of the party system are discussed in section 2.5.2.3.

⁵³ Among the twelve western European countries Italy recorded the highest number of defections (Volpi, 2017, p.7). In Italy between 1996 and 2001, almost one-quarter of all members of the Italian chamber of deputies have changed party affiliation.

⁵⁴ In Canada from 1945 to 2015, 166 members of the House of the Commons have switched (Yoshinaka, 2015). Party switching increased with the decline of institutionalisation of the party system.

⁵⁵ Personalistic voting means voters elect their candidates based on personal characteristics without any regard for party, ideology, or programmatic issues (Mainwaring & Torcal, 2006, p. 204).

⁵⁶ In Ecuador, from 1979 to 2002 on an average 10% of the representatives changed parties every year (Mejía-Acosta, 2004, p.163).

⁵⁷ In South-Korea from 1998 to 2008, nearly 60% of legislators have switched at least once (Mershon & Shvetsova, 2013, p.151).

⁵⁸ According to Article 132 of the Panama Constitution political parties which secure less than 5% of votes are immediately declared extinct by the Electoral Tribunal. Thereby, this forces the legislators of small parties to join bigger parties or remain independents (Mann, 2000, pp. 9-10).

⁵⁹ In Panama, from 1989 to 1994 nearly 25% and between 1994 and 1999 around 35% of representatives changed parties (Mann, 2000, p. 9).

⁶⁰ In early 2000, nearly 25% of incumbents in Zambia's Parliament switched and in Kenya more than half of the MPs switched parties (Young, 2014).

Table 2.3 shows the countries where party switching is high and the reasons for the same. Interestingly, nearly half of these countries are in Asia and Africa, and many of these countries follow the FPTP electoral system. Most of these countries became independent after the second world war (see Appendix 2). Although Desposato (2006) categorises that party switching in India is high, he does not explain the reasons. The reasons for high party switching in India are examined in this study.

Table 2.1, 2.2 and 2.3 present that some countries did not experience party switching and is a rare phenomenon in some established democracies. Nonetheless, it is widespread in many countries. In the same line of research, Young (2014, p.105), while examining why party switching is a rare phenomenon in advanced democracies, whereas a rampant phenomenon in African countries, argues that in developed democracies, there exists ideological and programmatic differentiation between political parties. Besides, voters in these countries support politicians whose policy positions match their policy positions.

In contrast, party switching is a regular phenomenon in most African countries because political parties lack ideological or programmatic differences. He highlights that, unlike in advanced democracies, African politics is not organised on Left-Right ideological division, and there is 'programmatic homogeneity' among parties (Young, 2014, p.105). In the absence of ideological differences between the parties, the costs of switching are likely to be minimal. Therefore, legislators in African countries often switch parties. Likewise, Kreuzer and Pettai (2009) highlight that parties in totalitarian and autocratic party systems face fewer switching due to the absence of an alternative party to switch, and the incentives to stay with the hegemonic party are more.

After observing the variations and the reasons for the difference in the degree of party switching across countries, we now discuss why elected legislators change party affiliation. Party switching results from a rational decision made by the elected representatives. The legislators switch parties depending upon the risks and benefits that they must face for switching parties. However, the choice to switch parties has two sides, as described in Table 2.4.

Table 2.4
Influences on the Choice to Switch Parties

Circumstances Internal to the Party	Attractive Factors in the Target Party
Disagreement over the policy programme of the party	More scope to have policy influence
Low chances of re-election in the present party	High chances of re-election
Less scope for career advancement	Promise of rapid career advancement
Anti-incumbency or loss of popularity of the party	Freedom from the pressure of party discipline
Dissatisfaction over resource allocation or ideological stand	Availability of the alternative party

***Source:** Created by the researcher based on Heller & Mershon, (2009), Kemahlioglu & Sayari, (2017).*

Table 2.4, illustrates the circumstances within the political party and some attractive factors in the target party that are likely to influence the legislators' decision to switch parties. Albeit party switching is an individual act, other actors influence their decision. The multiple actors involved in influencing legislators' decisions to switch are: First, the legislators themselves decide to switch. Second, the party leaders might influence the switchers by offering certain benefits like ministerial berth or committee assignment (Yoshinaka, 2015, p. 204). Third, the rank-and-file officers might help transition switchers by accepting them into their new party, but their role is primarily informal. Fourth, by acting as spokespersons of the new party, former party switchers may provide helpful information about the new party and highlight the benefits they received in the new party (Yoshinaka, 2015).

Assuming legislators are rational beings, they would join another party only when they expect higher payoffs from another party. Similarly, the new party will accept the defectors only when that would increase the party's pay-offs (Laver & Benoit, 2003, p. 217). Before defecting, the legislators would scan all the available alternatives and choose the most attractive party, mostly the party that offers higher payoffs and the one that would accept them (Laver & Benoit, 2003). As mentioned earlier, party switching is a calculated decision made by the legislator, sometimes, the legislator may take weeks, months, or even years to decide when and which party to switch (Yoshinaka, 2015, p.181).

Party switching can be either by individual legislators or by a group. Turan (1985, p. 24) points out that individual legislators switch parties primarily to meet their ambitions— re-election, ideology, perks, and position⁶¹. Conversely, group switches occur due to disagreement over any policy. He also highlights that group defections are more when legislators expect a shift in voter preferences. Consequently, they would move to a party they perceive to be on the winning side or establish a new party to meet the voters’ preferences (Turan, 1985, p. 27). Similarly, Kemahlioğlu and Sayari (2017) have shown that individual switching is influenced by immediate electoral calculation, whereas policy-related factors influence factional and group switching (p. 202). They further argue that election timing significantly impacts individual switches more than group switching. They make this distinction between individual and group switching based on the availability of rewards.

However, looking from an institutional perspective one cannot agree with Turan (1985), Kemahlioğlu, and Sayari (2017) that group switching is mostly for policy influence and individual switching is mainly to meet the personal ambition of legislators. For instance, in India, the anti-defection law penalises individual defections and exempts group switching⁶². In this context, a group of individuals to meet their ambitions switch parties collectively (in a group) to escape the penalties of the law. Further, the legislators have devised alternative ways to circumvent the anti-defection law where they would resign in groups to join another party.

In both these cases, the legislators are switching in groups but not necessarily for policy reasons but primarily to meet their personal ambitions. Therefore, one should be cautious in considering that all group switching is for policy influence. As in India’s case, MPs and MLAs try to collectively achieve their ‘individual political ambitions’ by switching in groups. These legislators are not necessarily changing for policy differences. This section has explored the concept of party switching, identified the reasons for the variance of switching among different countries, the circumstances internal to the party, and the target party influencing switching. The following section highlights the significance of studying party switching.

⁶¹ The details on each of these aspects are discussed in section 2.5.1.

⁶² As per the anti-defection law in India, if two-thirds of members of a legislative party switch together, it would be considered a merger and is exempted from disqualification.

2.4 Significance of Studying Party Switching

Studying party switching is essential for the following reasons. First, party switching has normative implications on democracy and undermines the value of party labels. It is the party labels that help voters choose candidates who share their preferences, but party switching makes them meaningless (Kerevel, 2017, p. 29). It leads to representational changes through non-electoral means, i.e., without contesting elections (Booyesen, 2017, p.727). Although in a pure candidate-centered system, party-switching may not be seen as a violation of representation. However, in countries where voters elect their representatives based on party labels, it is seen as a violation of representation. Because without voters' involvement, representatives decide to switch parties (Yoshinaka, 2015, p. 17). Second, it can be used to escape accountability for poor policies or lack of policy initiatives by the legislators (Kerevel, 2017, p. 29). The legislators by switching to a party that has initiated good policies can escape being accountable for his failure to bring such initiatives.

Third, it brings party system change between the elections. Party switching can either bring changes to the number of parties in the legislature or, sometimes, even if the number of parties remains the same, it might change the power equilibrium in the legislature (O'Brien & Shomer, 2013, p. 113). Hence, leads to the emergence or disappearance of parliamentary parties. It changes the size of existing parties without the involvement of the voter. Besides, party switching may result in instability in the government. This may lead to the weakening of parliament, which is already weak in new democracies⁶³ (Young, 2014).

Fourth, it can change the majority control of the legislature. It is not just the mass defections that can shift power equilibrium; even a sole switch can have consequential effects on power dynamics, this type of defection is called 'pivotal' switching⁶⁴ (Yoshinaka, 2015, p.14). It changes the parties' control over legislation without elections and it jeopardises the survival of cabinets. As party switching can reduce the majority status of a governing party in the legislature, it can

⁶³ New democracies are those countries that adopted democracy post 1970's and these countries were mostly under dictatorial regimes previously.

⁶⁴ We can explain the role of a pivotal switch with the following illustrations. In the year 2000, in the United States, both the Republicans and the Democrats got equal votes. Because of the Vice-President's tie-breaking vote, Republicans gained a majority. However, in May 2001, Jim Jeffords of the Republican Party sat as an independent leaning towards Democrats. With this, the power to make policy shifted from Republicans to Democrats (Mershon & Shvetsova, 2013, p. 24). Similarly, in Australia, a Senator, Meg Lee, defected from being a Democrat to independent in 2002, and this led to the loss of majority by the Labour-Democrat-Green coalition (Yoshinaka, 2015, p. 18).

destabilise the government. Further, it can destroy the legislative majority that emerged in the preceding elections (Mershon & Shvetsova, 2013, p. 141)

Fifth, it helps to understand the dynamics of intra-party cohesion and discipline (Giannetti & Laver, 2001). The studies show that parties that are highly disciplined might see more switches as the voice of the representatives are unheard. In this regard, Nielsen et al., (2019) throws light on instances where legislators switch because their party leadership took decisions instead of the party manifesto. Conversely, parties with intra-party cohesion are likely to see less switches as the legislators are taken into consensus by the party.

Sixth, it helps reorient the way one explores parties and party systems by focusing on strategic, ambitious, and self-centred decisions of individual politicians whose decision to change parties lead to the evolution of party systems (Heller & Mershon, 2009, p.291). Seventh, in contrast to the assumption that party switching is a rare phenomenon, O'Brien and Shomer (2013) observe that switching occurs more recurrently than assumed. In their cross-national analysis of 239 parties, they observed that almost 1/3rd, i.e., 78 parties experienced switching. Thereby, it is essential to study party switching, a serious issue experienced by parties in most democracies.

As noted in the introduction, though party switching has received increased attention in the last two decades in other countries, in India, it is limited to be seen from the normative perspective. Accordingly, this study fills this gap by systematically examining the phenomenon of party switching in India. Another reason party switching needs to be studied, in India, despite the anti-defection law, party switching is a significant issue that destabilises elected governments and it continues to increase. The existing literature shows that several factors influence the legislators' behaviour toward switching parties. Therefore, the following section has categorised the determinants of party switching into five broad categories.

2.5 Determinants of Party Switching

The scholarship on party switching has identified several factors that determine individual legislators' behaviour to switch parties. This study classifies the determinants⁶⁵ that influence the

⁶⁵ The researcher is aware that it is difficult to explain the exact determinants of party switching because the true motives that influence the legislator to switch cannot be observed. Thereby, it is difficult to directly measure the

legislators to switch parties into five broad types of factors. The first set of factors are motivational aspects based on legislators' ambitions. The second type of factors are macro institutional or structural factors. The third is context and constituency-specific factors, and the fourth is the timing of the parliamentary cycle. The fifth category is ideology. The following section concisely discusses the various factors influencing legislators to switch parties.

2.5.1 Motivational/ Individual Factors

To explain various motivational factors, scholars rely on 'rational choice theory.' This approach of the study is known as the 'strategic approach', where the unit of analysis is the individual legislator. Scholars using the strategic approach assume that individual politicians are politically ambitious and always try to fulfil their ambitions. We see this approach in the works of Aldrich and Bianco (1992), Thames (2007), Heller and Mershon (2008), Mershon and Shvetsova (2013), McLaughlin (2012), Di Virgilio et al., (2012), and Young (2014). These scholars assume that three major motivational factors — votes, office, and policy, or sometimes the mix of these factors- play a vital role in influencing legislators' decisions to switch parties.

Based on the studies that have used the 'strategic approach' to understand party switching, this study also assumes that the 'political ambition'/motivation drives politicians to switch parties. Thus, politicians use party switching to achieve their ambitions. It also means that legislators would switch to another party only when the benefits are more than being in their present party.

2.5.1.1 'Re-election'/Vote seeking Motive

Politicians are ambitious individuals who would always look for power and do not wish to lose their chance to be re-elected. Legislators wish to be re-elected because they can have access to high salaries, allowances, prestige, influence, receive high returns, access to state resources (Banerjee, 2004; Chandra 2014, p.26). Thereby, they consider being a legislator as a valuable post. Assuming the decision to switch or stay- put is a rational calculation, scholars have classified rational-choice explanations into 'transaction cost theory' and 'risk-averse theory' (Chang & Tang, 2015, p. 490).

determinants of party switching. Nonetheless, an inference can be drawn based on the context of the switch and the public statements that the legislators make.

The 'transaction cost theory' assumes that legislators defect from their party when they think they are popular among the voters. Therefore, they do not require party labels for re-election, and their reputation can outweigh the transaction costs of switching. In contrast, when a legislator thinks that the party label is essential for their re-election, they would stay with the party, as switching costs would be more when they depend on the party label for votes (Chang & Tang, 2015, p. 491). The 'risk-averse theory' assumes that the decline in the party's reputation, poor performance by the government, and increased intra-party competition might decrease re-election chances. Therefore, the legislators who believe their current party has fewer chances of winning in the forthcoming election than in the previous election would switch. To overcome their risk of not being re-elected from their present party, the legislators will switch to a party that increases their chances of re-election (Chang & Tang, 2015, p.492).

Legislators use various means to analyse their chances of re-election. For instance, they will use public opinions to predict their party's vote percentage in the upcoming elections (McMenamin & Gwiazda, 2011). Besides, they will assess various events in the state from the previous elections and sometimes even the results of sub-national elections to decide whether to switch or stay put and determine the direction of the switch. The legislators at the state/provincial level may get influenced by the results of national elections.

Several studies advance that the 'vote motive' (to be re-elected) is the primary factor influencing legislators to switch parties. For instance, in their study, O'Brien and Shomer (2013, p. 126) observed that when the expected percentage of votes in the election was more, those parties experienced less switching. Conversely, those parties whose expected votes were low experienced high switching. Likewise, in Malawi, parties whose vote share was high faced fewer switches. In contrast, parties with lower vote share experienced high switches (Young, 2014, p.110).

Furthermore, in their study on Poland, McMenamin and Gwiazda (2011, p. 839) analysed party switching in four parliamentary terms from 1993 to 2007. They provide that the vote-seeking motive was a more substantial explanation for switching than for office or policy-seeking reasons. They observed that the legislators of political parties that received at least 40% of votes in the previous elections were less likely to switch because they thought their re-election chances would be higher (McMenamin & Gwiazda, 2011).

Likewise, Thames (2007, p. 240) found that in Ukraine, which has a mixed-member system, a vote-seeking motive was present among the legislators representing Single-Member District (SMD)⁶⁶ and Proportional Representation. He has shown that SMD legislators selected those parties with a high level of district support. The PR legislators chose parties with a high level of past electoral success. Therefore, the vote motive is seen in both the SMD and PR legislators.

In India, both at the centre and in many states, just before Lok Sabha and Assembly elections, several MPs and MLAs resign from their party membership and join a party they expect to win the upcoming elections⁶⁷. This indicates that MPs and MLAs switch to fulfil their vote motive. Drawing from the various studies discussed above, this study has formulated the following two hypotheses to test the ‘vote motive’ as a factor in party switching.

Hypothesis 1: MLAs are more likely to switch to the ruling party than to the opposition party.

We expect this for two reasons. One, as discussed earlier, it is the ruling parties that would have access to the office. In contrast, the opposition parties lack access to office, which is essential to meet the legislators' office motive. Two, as noted earlier, in parliamentary democracies, the governing party (executive) influences policy to a greater extent than opposition parties and independent candidates. Therefore, to fulfil their office and policy motives, the defectors would switch to the ruling party over other parties.

Hypothesis 2: MLAs from the ruling party are more likely to defect to the opposition party when they are denied tickets or promised higher rewards.

The legislators from the ruling party would switch to the opposition party primarily when their party denies them the ticket. It must be recalled that among the three main motives that influence the legislators to switch i.e., votes, office, and policy, —the vote (re-election) motive can be considered as the primary. Only when the legislators are re-elected will they have greater access to fulfilling office and policy motives.

⁶⁶ Single-member district is an electoral constituency where only one candidate would represent the constituency or the district unlike multi-member constituency where there will be more than one candidate representing the constituency.

⁶⁷ For details see Abbas (2019).

2.5.1.2. Office Motive

Office motive would mean the desire to get a ministerial position, or appointment as a member or chairman of a committee, depending on whether it is a parliamentary or a presidential system. In a parliamentary system, being a minister is more influential, whereas, in the presidential system, it is in a committee (O'Brien & Shomer, 2013, p. 116). Post-electoral victory, politicians will always look forward to holding party positions or governmental offices to meet their other political ambitions because that will enhance their position. The benefits ministers or prominent party leaders receive by holding office are more than being an MP or MLA. The office will be of value in itself because of the perks and prestige that come with the office. Besides, it can be used to attain the desired policy and electoral gain.

A legislator may change his party when he believes his chances of moving up in the party hierarchy and having an influential position in the legislature are low in his present party and high in the target party. The benefits of 'office' are not available to all parties equally, and the majority party (governing party) would have access to various offices/ government positions.

Consequently, during the legislative term the ruling party attracts more in-switches and has fewer out-switches⁶⁸. Legislators from the opposition parties would switch to the ruling party to receive office benefits (Heller & Mershon, 2009). Moreover, Young (2014, p. 112) argues that the ambition to possess 'office' might become a significant factor in influencing politicians' decision to switch, especially when politicians do not feel tied to their party due to a lack of clear policy distinction.

The existing studies provide ample evidence to show that legislators' office-seeking motives influence their decision to switch parties. Yoshinaka (2005), in his research on the representatives in the USA, finds that committee assignment acts as a significant determinant of party switching. Furthermore, in another study, Yoshinaka (2015, pp. 161-162) compared committee assignments of Members of Congress who switched parties and those who did not switch. His study found that switchers are better at committee assignments than non-switchers. In the US Congress, between 1995 and 1997, five legislators changed from the Democratic party to

⁶⁸ However, ruling parties can experience increased out-switches especially at the end-term, when legislators anticipate anti-incumbency against the government.

the Republican party, the then ruling party. Interestingly, all five switchers were given positions in committees. In the USA, the committees decide what goes to the floor for discussion (Nokken & Poole, 2004).

Further, in this line, Kerevel (2014) highlighted that the office-seeking goals influenced the legislators to switch parties in Mexico. In the 57th, 58th, and 60th legislatures, nearly 40% of switches occurred during the last session. Kerevel argues that if the shift was due to policy reasons, then the switching should have been spread throughout the legislative term. He further shows that switching in Mexico was not for policy reasons because all major parties' welcome legislators from parties across the ideological spectrum while members of major parties switch to a wide range of minor parties. This shows that ideology does not matter to legislators; instead, they affiliate with a party to gain office benefits. Further, he observed that legislators who were dissatisfied with their party, left their present party to join the new party to gain access to executive positions and committee assignments. Therefore, he argues that political parties are platforms that serve as office-seeking cartels to their members.

Adding to this, Desposato (2006, p. 421), in the case of Brazil, showed that party leaders attract the switchers with the promise of Committee posts, and switching takes place mainly during the beginning of the legislative term because it is at the initial stage that the Committee appointments are made. Likewise, Young (2014, p. 108), in the Malawian case, showed that the governing (ruling) party was the most popular destination for switchers, and those who switched early to the party of the President received promotions. In Malawi, like in most African countries, the president can distribute the cabinet positions. Nearly 32 MPs who switched to join the President's new party were given cabinet posts (Young, 2014, p. 110). Likewise, a study by Thames (2007, p. 241) in the Ukrainian mixed-member system found that legislators of both the SMD and PR systems were less likely to leave pro-presidential parties because the presidential party controls the executive who holds power on electoral resources and office.

Furthermore, evidence for office-seeking motives is also found at the transnational level. McElroy (2008) has examined party switching in the European Parliament, and she observes that career advancement was the key reason for defections. She found that senior members in critical positions and the party leaders were less likely to defect than the back-benchers. She also highlights

that legislators are more likely to defect to a party that enjoys a majority because it will influence who would be on the committee. Unlike in the national parliaments, the electoral incentive appears weak or non-existent in the European Parliament (EP). The elections to EP are not based on European issues but on the performance of national parties, and the electoral competition is between national political parties rather than the European Parliament group (McElroy, 2008, p.154).

Appointing the defectors into the cabinet immediately after the switch, either on the same day or within a few months of switching, indicates that the switch was mainly for office reasons. When the switch is for 'office', the shift will be towards a governing party or the party that could replace the existing ruling party. Though the switch to gain office indicates a move to meet their political ambition and can be seen as an opportunistic move, the citizens may perceive this move to be positive. The voters may think that by being in a cabinet, their representative can get them more benefits/developmental works to the constituency and can influence policy. Thus, based on the existing studies following hypotheses can be framed concerning office motive.

Hypothesis 3: Defectors are more likely to receive 'office benefit'/ rewards when the sustenance and formation of the government depend on defectors' support.

2.5.1.3 Policy Motive

Besides the office motive, legislators exhibit a change of parties when their party's policy preference differs from their policy position. Policy motive means a legislator seeks to bring a policy in his (or his constituents') interest. The policy motive can be exhibited in many ways. First, legislators may leave parties that do not support their preference and join a party that matches their choice (Desposato, 2006). It is observed that legislators would switch parties when the gap between their policy position and their party increases.

Second, legislators may choose those parties which provide them legislative resources, i.e., the party which can ensure that legislation/policy would receive the necessary support to meet their policy preference (McElroy, 2003). Hence, large parties are more attractive because the greater the party's strength, the greater the party's hold on legislative resources. Third, legislators would choose ideologically cohesive parties and with a consistent policy preference and avoid parties

whose ideology is entirely different (McElroy, 2003).). If there exists ideological cohesion among the legislators, conflict within the party is minimal. In contrast, if the members differ in their ideological orientation from their party ideology, they feel compelled to agree and vote for the party's policies. Here, the legislator may vote against the party or change the party to choose an ideologically similar party (Heller & Mershon, 2009).

Several studies have examined the role of 'policy motive' in party switching. In their research on Italy, Heller and Mershon (2008) showed that MPs whose ideals stood farthest from those of their parties were likelier to switch parties than those whose ideals were close to their parties. Similarly, Pinto (2015), in his study on Italy from 1996 to 2011, finds that switching was mainly for policy reasons. Therefore, switching was high during the government formation periods and budget negotiations. Likewise, Di Virgilio et al. (2012, p. 50), in their analysis of Italy's XVI legislature, observed that most of the defections were from the ruling party to form a new party.

Additionally, examining the direction of the switch, they argue that policy-based motivation played a significant role in influencing legislators' behaviour. They also provide a cautious note that just because the legislators moved from the governing party (that possesses greater access to resources) to start a new party, one should not think their move is for policy reasons alone because in the long term they might look for office benefits from their new party. Therefore, legislators most often have 'mixed-motives.' Likewise, Thames (2007, p. 241) finds evidence for policy motive as a primary reason for switching in the context of Ukraine. He has shown that when the distance between the legislators' ideal point and the party's median member's ideal point on policy/ideology decreases, the probability of the legislator selecting that party increases.

McElroy and Benoit (2009, p. 168) have examined the influence of policy motive at the transnational level by analysing party switching in the European Parliament. They argue that national political parties choose European Parliamentary Political Groups (EPPG) based on ideological compatibility. Similarly, individual Members of the European Parliament (MEP) desire those parties close to the national party's policy and maintain distance from EPPGs that are far from the positions of national parties. Thereby, one can argue that the policy concerns drive Members of the European Parliament to switch party affiliation. McElroy (2008, p. 209) points

out that politicians prefer holding a higher office to a lower one and choose a lower office to no office. This means that a legislator will like being a party leader or serving on a high-profile, powerful committee more than being a back-bencher or acting in a low-ranking committee.

Policy motive can be seen as essential in controlling the decision to switch in European countries where there is a clear ideological division between the parties. In contrast, it may not be influential in African countries with ‘programmatic homogeneity’ among parties. Like African countries, in India, policy motive might not be a significant factor since some scholars like Vaishnav (2017, p. 104) and Chandra (2004), in their works have opined that in India, parties lack clear programmatic differences. Therefore, this study does not examine the influence of policy motives on party switching.

The existing literature has shown enough evidence that votes, office, and policy play an important role in influencing the legislators' decision to switch. However, Klein (2016, p. 715) has claimed that a hierarchy of ambitions influences legislators' behavioural patterns within the legislators' ambitions of vote, office, and policy. He explains that re-election comes before office and policy motivations because only when the legislators are elected can they pursue office or policy goals (Klein, 2016, p. 715). At the same time, there is an accepted notion among scholars that a combination of these three motivations—votes, policy, and office, influences legislators' decision to switch. But there is no consensus on the trade-off between these motivations (McElroy & Benoit, 2009). In addition to these three most discussed individual motivational determinants, pork-barrel can be included under individual factors, which also impact legislators' behaviour to switch.

2.5.1.4 Pork–Barrel

Pork-barrel, means getting favourable access to state resources to develop the constituency. Miners (1971, p.12) argues that switching political parties for ‘pork-oriented benefits’ is common in new democracies. In these countries, legislators are primarily concerned with getting developmental projects like schools, roads, bridges, hospitals, water connections, and other facilities to their constituency. Therefore, legislators are more likely to join a party that promises these benefits irrespective of the party label from which they were elected.

Miners (1971) provides illustrations to show that switching for pork barrel was common in newly democratic countries like the Philippines, Ceylon, Malaya, India, South Africa, and Thailand. He argues that switching parties for 'pork-oriented benefits' is less common in established democracies like the UK and the USA. Because in these countries, parties are more cohesive, partisan attachment would have been cultivated over a long period. It will not be easily changed for pragmatic considerations, and switching partisan loyalty will be seen as dishonourable (Miners, 1971, pp. 19- 21).

From an ethical perspective, party switching is seen in a negative sense. Still, it is interesting to see how voters view switching. When the legislators can get more funds or projects to the constituency by switching to the ruling party, will voters punish their representatives. In this direction, Miners (1971, p.16) shows that when the switchers can get more projects or developmental funds for the constituency along with the personal incentives that they receive like ministerial position or committee assignment, money, or patronage, and so on, voters are less likely to punish them. Because the voters consider that the legislator has represented the constituency's interest for which they elected him. If s/he fails to bring any development to the constituency but has made personal development, he is more likely to be punished (Miners, 1971, p.16).

Miners (1971, pp. 16-17) identifies two essential conditions before a pork-oriented crossing can occur. First, politics should be highly competitive⁶⁹. Instead, if the governing party had an overwhelming majority, there would be no necessity to welcome members from other parties, nor would the defector hope for any reward since adding a member would not add anything to the governing party (Miners, 1971). Second, the size of the electorate must be large. If there are only a few voters, voters will trade their votes directly to get benefits. In most countries, the size of the electorate is large. The legislators can influence the voters to accept the defectors for providing common services or the development of the constituency (Miners, 1971).

In this line, Desposato (2006) has examined the role of the 'pork barrel' in influencing changing party affiliation by the legislators. He observed that legislators prefer joining the ruling coalition in Brazil because it would maximise the availability of funds to constituencies, which is

⁶⁹ Elections will be considered highly competitive when the vote share between the ruling and the opposition party are close and there are high chances for the opposition party to come to power in the next election. Legislators are more likely to move when the elections are highly competitive.

essential to get lucrative contracts, rewarding the campaign workers, and strengthening the support network. Consistent with Desposato's argument, Young (2014, p. 110), in the case of Malawi, has shown that while switching parties, Malawian politicians choose a party that controls the government because being in government provides access to pork. Along similar lines, we find evidence in India to show that pork-barrel (special resources for constituency development) are offered for switchers by the ruling party.

Along with the above-discussed factors, the study also includes the gender of the MLAs as a variable. The existing studies have not paid enough attention to the gender dimension in party switching. This study examines the influence of gender on party switching. The reason to discuss the gender aspect is that some scholars have observed that in India, female candidates are mostly given tickets either in 'safe constituencies'⁷⁰ or constituencies reserved for SCs and STs. Therefore, on the one hand, the female candidate might not consider it advantageous to switch to other parties because it is easy for them to win from their present constituency. On the other hand, parties might not welcome a female defector as much as male defectors because the parties are not sure of the 'winnability' of the female candidates and the benefits the party can receive by having a female candidate. On this variable, the study predicts the following.

Hypothesis 4 Female legislators are less likely to defect than male legislators.

In addition to the above-discussed individual-specific motivational factors, there are other reasons why individual legislators switch parties — One, removal or expulsion from the party-legislators can switch parties when their party expels them because of various reasons like scandals or wrongdoing like sexual assaults, corruption charges, and accident cases (Snagovsky & Kerby, 2018, p. 441). Two, denial of nomination in the upcoming elections. Three, lack of transparency and accountability within the party. Four, Legislators might change parties due to a personal event. It might be because of the fight with party colleagues or anticipated individual personal development in the other party (Laver & Benoit, 2003).

Furthermore, legislators can switch parties for financial inducement, bribes, or personal rivalries with the leaders. Therefore, though the researcher is aware of the role of financial

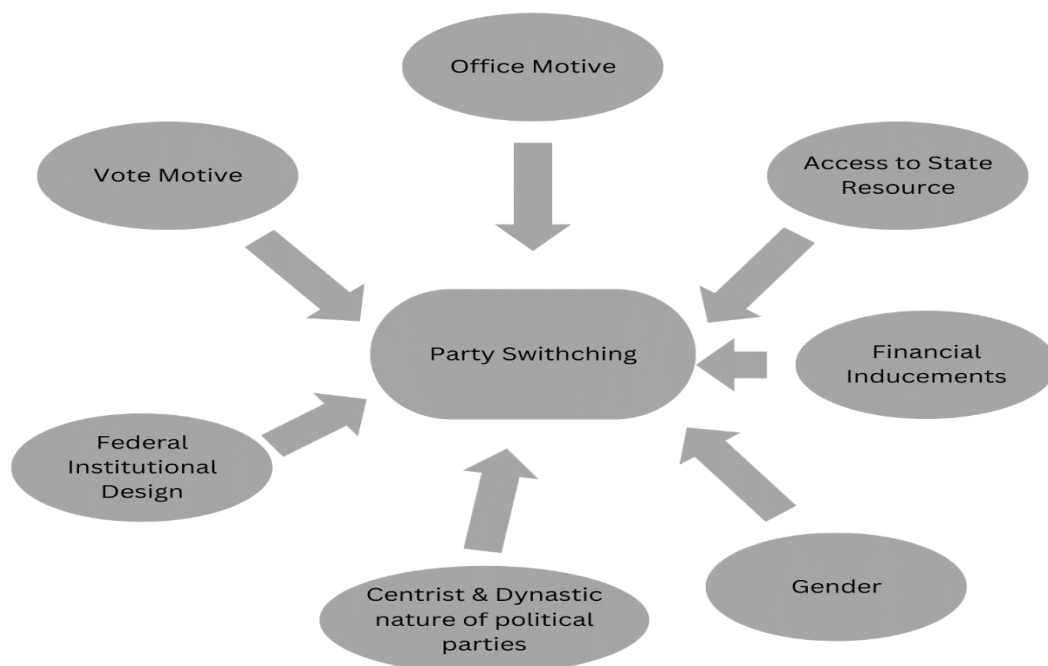
⁷⁰ Safe constituency is one where the party has been winning for an extended period, and the margin of victory is high and it expects to win in the subsequent elections.

inducements in switching, it does not study this aspect due to difficulty in observation and measurement. However, this study tries to show the relationship between the role of money and defection in Chapter V.

Besides these individual-specific/motivational factors, a country's institutional setting can also determine party switching, which is discussed below. Some scholars believe that motivational factors are insufficient to explain the difference in the number of switches among countries and why party switching is more common during specific periods. Therefore, they believe institutional factors will likely facilitate politicians' decision to switch.

Figure 2.1

Explanatory Variables for Party Switching in India



Source: Created by the researcher based on the existing literature.

2.5.2 Institutional Factors

Unlike in the strategic approach, where the unit of analysis is individual, in the institutional approach, the unit of analysis is the macro-level context that determines party switching. Institutional factors mean how the candidate selection process, number of parties in the parliament, level of party system institutionalisation, the governing status of the party, regime type, federal institutional design and electoral system can influence the legislator's behaviour to switch or stay put in the party. Scholars like- Ferrara (2004), Kreuzer and Pettai (2003), Booysen (2006), Heller and Mershon (2008), Di Virgilio et al. (2012), McLaughlin (2012), O'Brien and Shomer (2013), Volpi (2017), Knott (2017), Sevi et al. (2018) have used the 'institutional approach' to study party switching. Knott (2017) argues that institutional contexts provide incentives and act as constraints in influencing the decision to switch parties. In this context, the following section discusses eight significant institutional factors.

2.5.2.1 Candidate Selection Process

The candidate selection process is a method by which political parties decide the list of candidates who would contest in the upcoming election. Broadly, candidates are selected in two ways. One is a 'centralised process' where the national party leadership would decide on the candidate without the involvement of local branches of the party. Two, it can be a 'participatory process' where the party's ordinary members would choose their candidate⁷¹. Legislators selected by party leaders show greater acceptance of party ideology and demonstrate their loyalty to the party since they receive priority treatment which serves as personal ties.

In contrast, candidates selected democratically through party primaries, must distinguish themselves from their other party members to be included in the selection list. Hence, they must use their personal ability to differentiate (O'Brien & Shomer, 2013, pp. 119- 120). Consequently, in systems where candidates are selected based on party primaries, party switching is widespread because they perceive that they are elected for their personal qualities rather than the party label. Sometimes, even under the centralised process, there can be increased switching because the legislators think they cannot agree on all issues with the leader. They may choose a different party

⁷¹ See, <http://aceproject.org/ace-en/topics/pc/pcb/pcb02/pcb02a/default>.

(O'Brien & Shomer, 2013, pp. 119- 120). Furthermore, Kerevel (2014, p.114) argues that if a party is under the control of central leadership who exercises sole power in candidate selection, it might lead to intra-party conflicts forcing some legislators to switch to another party to gain access to the ballot.

2.5.2.2 Number of Parties in Parliament

The number of parties at the beginning of the parliament's term are likely to influence the number of defections. Mershon and Shvetsova (2009, p.110) have shown in their study that when the number of parties are more at the beginning of the term, then the mean monthly inter-party moves in that term are greater. When legislators want to switch, there should be parties that would offer rewards that the defectors expect. The other reason is that when the party system is large, MPs can easily find parties ideologically closer to their ideology (Volpi 2017, p. 10). When there are more parties in the parliament, more alternatives are available to the legislator to choose his new party.

2.5.2.3 Level of Party System Institutionalisation

The institutionalised party system is one where the party system will exhibit strong roots in society, and voters will have strong attachments to parties. In the institutionalised party system, most voters will vote for a particular party most of the time, and there is inter-party stability (Mainwaring & Torcal, 2006, p. 206). In contrast, in the weakly institutionalised party system, parties exhibit weak roots in society, and the voters keep shifting their electoral allegiance between elections. Thereby, there will be high electoral volatility (Mainwaring & Torcal, 2006, p. 206).

The initial research on party switching considered party switching as a feature of new democracies or weakly institutionalised party systems (Di Virgilio et al., 2012, p. 29). Table 2.3 shows that party switching was rampant in Brazil, Ukraine, Russia, Poland, and Canada, mainly due to weak party institutionalisation. Furthermore, even during party system realignment periods, politicians and voters are likely to switch parties, but switching would reduce once inter-party competition stabilises (Kerevel, 2014, p. 93).

When the party system is weakly institutionalised, the ties of the voters and the politicians to the parties are weak, resulting in electoral volatility and reducing voters' ability to hold politicians accountable. However, in rare instances, institutionalised party systems experience

party switching. For example, Mexico has an institutionalised and programmatic party system, but party switching is high because legislators switch to meet their career/office goals (Kerevel, 2014).

2.5.2.4 Governing Status of the Party

Generally, it is assumed that parties in government are less likely to face switches. Parties in government will be more united and exhibit more cohesion because the ruling parties possess the resources/ capacity to fulfil legislators' ambitions, especially the ruling parties can provide 'office benefits and the policy influence' (Volpi, 2017, p. 6).

Likewise, McLaughlin (2012, p. 574) shows that the numerical balance of power in legislatures is essential in influencing inter-party movements. He highlights that legislators from the ruling party were less likely to switch than legislators from other parties. Because when they are in the ruling party, they receive more benefits than the benefits received by those in the opposition parties. In their study, McElroy and Benoit (2009) found evidence that members of the European Parliament preferred choosing a larger party over a smaller party and the party in the bureau to the party not in the bureau. The reason is that the party in the government or the majority party has access to committee assignments and various offices. In contrast, the opposition parties witness more defections because their resources to meet legislators' progressive ambitions are limited (O'Brien & Shomer, 2013, p. 123). This study has formulated the following hypotheses concerning a party's governing status and party switching.

Hypothesis 5: Legislators from the ruling party are less likely to switch than the legislators from the opposition parties.

2.5.2.5 Regime Type

Regime type means a country's political system, whether it has a presidential or parliamentary form of government. Studies have observed that party switching may differ depending on the regime type. Legislators in the parliamentary system behave in a more party-centred manner than their counterparts in the presidential system. Because in the parliamentary system, parties in power can threaten their members with a vote of no- confidence (dissolving the legislature). If they do not support the party leader, they either must accept the government's policy to stay in power or face the voters again (O'Brien & Shomer, 2013, p. 118). In the presidential system, legislators do

not face the threat of a vote of no-confidence and compulsion to vote according to the party whip. Therefore, it is expected that party switching should be more common in the presidential system than in the parliamentary system (O'Brien & Shomer, 2013, p. 118). However, their study did not see any relation between the regime type and the number of switches.

2.5.2.6 Electoral System

The electoral system is considered one of the essential institutional aspects influencing party switching. The electoral system means whether the system is party-centred or candidate-centred. Legislators depend more on party labels in a 'party-centred' system like the closed Proportional Representation (PR) system. Thus, they tend to stay loyal to their party. In contrast, in 'individual-centric' systems like FPTP and open-list PR, legislators depend on 'personal vote' along with the party label. Therefore, switching is more in individual-centric systems than in party-centric systems (O'Brien & Shomer, 2013, p. 119). To substantiate this, Booyesen (2006, p. 730) has shown that 'simple majority systems' have witnessed greater party switching internationally.

Scholars following the institutional approach believe that the electoral system affects politicians' strategies of switching. Some argue that in a candidate-centred system, politicians switch mainly to have access to office-seeking goals. In contrast, in a party-centred system, they prefer re-election goals over office-seeking goals (Klein, 2016, p. 733). In personalistic-based voting, switching is likely high (see Table 2.3). Studies have also shown that independent candidates are more likely to switch than legislators affiliated with the party either in FPTP or PR. In their study on Russia, Mershon and Shvetsova (2013) highlighted that independent candidates switch more regularly than partisan representatives (p. 86). Independent candidates might think that constituents have elected them for their personal appeal and are, therefore, free to move. They do not have to obey party leadership, unlike the legislators from parties. A similar finding is noticed in Malawi, where independent candidates were 62% more likely to switch than party affiliates (Young, 2014, p.110).

A study by Barrow (2007), which assesses the reasons for party switching in Mexico, observed that when the electoral system was changed from the FPTP system to that of the mixed electoral system; it led to the creation of new parties and led to the formation of coalition governments which resulted in increased party switching. In Mexico, there is a rule that parties

must secure at least 2% of votes to gain official registration. This forces small parties to join the larger parties. Mexico's case shows how the institutional design forces representatives to merge/switch into another party. On similar lines, research by Geddis (2002) and Knott (2017) have observed that New Zealand experienced an increase in party switching with the change in electoral system from a simple majority single-member constituency system to a Mixed-Member Proportional (MMP) voting system in 1996.

Herron (2002, p. 632), while examining the causes and consequences of fluid faction membership, highlighted that in Ukraine, which adopted the mixed electoral system, members from SMD were more likely to switch than members from PR. He further points out that legislators within the PR who are placed high in the party list are less likely to switch, because they rely more upon the party for their present seat. When voters punish the party for bad policies, those placed high on party lists are less likely to be affected than those placed low on the party list. Furthermore, McLaughlin (2012, p. 572), in his study on South Africa's local legislatures, finds that those legislators occupying Proportional Representation seats are more likely to switch than their counterparts in Single-Member District Plurality (SMDP) seats. This is because candidates elected by SMDP have to establish a close connection with their constituency voters, whereas, in closed-list PR elections, such bonding does not occur.

In the PR system, if the individual candidate is placed in a higher position in the party-list, then he will not be affected by the punishment for poor performance, unlike in SMDP, where the candidate has to bear the costs for not performing (McLaughlin, 2012, p. 567). In their research on Taiwan, Chang and Tang (2015, pp. 502-503) showed that in Single-Non-Transferable-Voting (SNTV) system⁷², which has multi-member constituencies, both the top-ranked legislators and the legislators elected with minimal votes switched parties. The top legislators switched due to multi-member constituencies, which provided scope to cultivate personal ties with the voters to differentiate themselves from their other party members. In contrast, the legislators elected with minimal votes also switched parties to escape the intra-party competition.

⁷² The SNTV is like the FPTP system where one voter has one vote but in a single member district only one candidate will be selected whereas in SNTV multiple candidates will be elected. For example, if four candidates must be selected from a constituency the first four candidates who receive the highest votes will be elected. This system is used in Japan, Jordon Taiwan and so on.

Further, in this line, Radean (2021) has shown evidence that party switching is more in party-centred electoral systems compared to candidate-centred systems. He highlights that in party-centred systems, the political parties can protect the switchers from voter punishment (retribution), which is not possible in a candidate-centred system.

2.5.2.7 Level of Party Discipline

Initially, party switching was perceived as a feature associated with weak party discipline. Contrary to this assumption, a study by Heller and Mershon (2008) in the Italian context ascertained this assumption to be false. They showed that highly disciplined parties saw more switching, and they argued that this might be to escape strong party discipline (Heller & Mershon, 2008). They observed that when the legislators are compelled to vote according to party line over their personal policy preferences, that party is likely to see more switching (Heller & Mershon, 2008).

Apart from the above-discussed institutional factors, specific institutional designs in some countries may influence party switching. For instance, there is a ban on holding elected office consecutively in Mexico, so just before the end of their term, they resign and join another party to be nominated for re-election (Kerevel, 2014, p. 114). Also, as already mentioned, in Mexico, there is a rule that parties must secure at least 2% of votes to gain official registration. This forces small parties to join the larger parties (Barrow, 2007). Similarly, according to Article 132 of the Constitution, in Panama, political parties that receive less than 5% of votes are immediately declared extinct by the Electoral Tribunal. This forces the legislators of small parties to join bigger parties or remain independent (Mann, 2000, p. 9-10).

Though studies have shown that institutional factors influence the legislators' behaviour to switch parties. The influence of the motivational factors seems to be greater than the institutional factors. O'Brien and Shomer (2013) ascertained that though both motivational and institutional factors influence legislators in switching parties, there was minimal evidence for institutional factors' direct influence on switching. They claim that institutions may create the environment and opportunities that de(incentivise) party switching, but institutional factors become significant only when the legislators already have their aims of vote, office, and policy influence (O'Brien & Shomer, 2013, p.132).

2.5.2.8 Federal Institutional Design

In federal countries, election results at one level are likely to influence the results at another level. In countries like India, the states continue to depend on the centre for financial assistance and grants (Bagchi, 2003). In this background, in low-income states, political parties are likely to shift their support towards the ruling parties at the centre in anticipation of receiving more funds. Similarly, the central ruling party is likely to expand its political dominance in states. Therefore, they might employ party switching to control the state governments led by their opponents. In addition to the institutional and party-specific factors, constituency factors are likely to facilitate the legislators to switch parties. The federal dimension has not received enough attention in the existing literature. Therefore, this study examines this aspect in chapter four.

2.5.3 Constituency Specific Factors

Scholars like Desposato (2006) have examined that along with the individual motivational factors and the structural/institutional factors, the constituency and contextual factors play an essential role in influencing the legislators' decision to switch. Five constituency specific factors are briefly discussed in the following section.

2.5.3.1 Level of Development of the Constituency

Studies have pointed out that whether legislators represent developed or under-developed constituencies influences switching. In less developed areas, legislators are concerned with access to the governments' projects or schemes (Desposato, 2006, p. 63). Because it is the developmental projects that the voters are more concerned about in less developed constituencies. In contrast, in developed regions, legislators are more concerned with ideology. Thereby, legislators from least-developed constituencies tend to switch more often than their counterparts in advanced constituencies.

2.5.3.2 Level of Partisan Affinity Among Voters

Partisan affinity means exhibiting strong support to a particular political party. In highly partisan constituencies, legislators are less likely to switch because the risks/costs associated with switching are more when compared to the least partisan constituency (Desposato, 2006, p.77). Because

partisan voters might punish their representatives for leaving the party and joining a new party.

2.5.3.3 Urban Vs Rural Constituency

Desposato (2006) states that since urban voters have more political information than rural voters, urban voters are more likely to punish party switchers. Therefore, politicians from urban constituencies are less likely to switch than politicians from rural constituencies.

2.5.3.4 Seniority Norm

A study by McElroy and Benoit (2009, p.168) showed mixed results on the influence of seniority on party switching. Their study found that senior legislators were more likely to switch in some parties, and junior legislators were more likely to switch to other parties. The senior members switch when they feel neglected in the present party and when another party offers them a better position than their present position (McElroy & Benoit, 2009). Further, parties welcome a senior person because they anticipate that the senior legislators will get their followers and supporters into the new party. In contrast, the junior members switch to fulfil their ambitions of votes, office, and policy goals quickly (McElroy & Benoit, 2009).

2.5.3.5 Extent of Party Identification among Voters

Party identification means voters are associated with a particular political party and would mainly support and vote for the same party in elections. Some scholars argue that there is a close connection between party identification and party switching. It is argued that when the party identification is strong among voters, the legislators will refrain from switching because they are aware that voters would punish them for switching. In contrast, when the party identification is weak, the legislators would consider the opportunity to switch as switching costs will be low.

In this line, Mershon and Shetsova (2013, p. 151) show evidence that party identification is low in the Philippines and Thailand, and there is little difference among parties on policy orientation. Therefore, in both these countries, inter-party mobility is rampant. Since particular periods during the parliamentary cycle witness high switching, this has generated interest among scholars to consider ‘parliamentary timing’ as an important factor in determining the legislators’ behaviour to switch parties.

2.5.4 Timing of the Parliamentary Cycle

The existing literature has underlined that while switching parties, legislators not only calculate the gains and the losses they must incur but also pay enough attention to the ‘timing’ before switching parties (Mershon & Shvetsova, 2013, p. 16). Scholars who have considered timing as an important determinant of party switching are; Mann (2000), Grose and Yoshinaka (2003), Di Virgilio et al. (2012), Mershon and Shvetsova (2013), Kerevel (2014), and Mershon and Shvetsova (2009) explain that the timing of the switch reveals the motivation for the switch.

The time during which the legislators switch, will help in examining why the legislators' switch (what motivates —votes, office, or policy to switch). Since legislators' switching rate differs across different stages of the parliamentary cycle, it has generated enough attention among scholars. Mershon and Shvetsova (2013, p. 45) classify the parliamentary cycle into active and dormant stages. They classify an ‘active stage’ as when the parliament is busy with some or the other parliamentary function. The ‘dormant stage’ is when the parliament is not engaged in any significant parliamentary function. The ‘active stage’ is further divided into four stages.

The first stage in an active stage is the ‘affiliation stage’ in which taking up seats and announcing group membership takes place, and in this stage, switchers are motivated mainly by perks. They associate themselves depending upon the goods they can receive from being party members. This stage can also include policy motives because, through the office, one can also affect the policy (Mershon & Shvetsova, 2009, p. 203).

The second stage is the ‘benefits stage’, where portfolios, committees, and cabinet offices are distributed. Those who seek office are motivated to switch in this stage. In this stage, policy motivation exists, but when there is high competition for the position, the office becomes the primary motive.

The third stage is the ‘policy stage’ in which policy-making occurs. Legislators switch in this stage mainly for making policy choices and securing agenda control. The fourth is the ‘electoral stage’; this is towards the end of the parliamentary term, and legislators would try to be part of coalition formation to ensure personal re-election. In the dormant stage, switching is rare, unlike the active stage, where switching is rampant. Mershon and Shvetsova (2013, p. 41), in their

study, have highlighted that all other things being equal, most of the legislators' switch parties during the mid of a legislative term, as, at this stage, the loss is minimal because, at this point, accountability is at its weakest point⁷³. In addition to switching during the different phases of the active stage, the candidates sometimes switch after filing nominations before election day.⁷⁴

Likewise, in their study, Grose and Yoshinaka (2003, p. 69) observed that party switching in American Congress was more likely to occur during non-election years because if switching is close to elections, the legislators' switch will be seen as 'opportunistic'. Therefore, the defectors would face increased competition in primary elections⁷⁵. Because the voters want to punish the legislators for changing the party, and the leaders of the old party wish to regain their constituency. Correspondingly, a study by Gherghina (2014, p. 4) highlights that MPs who switch in the early term are more likely to get re-elected than those who switch in the end term. Because switching at the end-term would be seen as changing parties only to meet the re-election motive.

Similarly, Mann (2000, pp. 9-10) has analysed the relationship between the timing and the reasons for party switching in Panama. He argues that if the switch is at the early term, 1 to 2 years of the parliamentary term, then the switch is due to institutional factors⁷⁶. If the switch is between 2 to 4 years of the parliamentary term, the main reason is ideological or personal disputes between the legislators and the party leadership. If the switch is at the end-term, between 4 to 5 years of the parliamentary term, the switch is mainly because of electoral purposes. Switching at the end-term can be for two reasons. First, the legislators may change because they fail to secure a nomination for re-election by the party leadership. Second, legislators may choose a larger party to receive a subsidy for election expenditures. According to Article 164 of the Electoral Code of Panama, state funding depends on parties' electoral performance.

⁷³ It means since elections are due only after two or three years, they do not have to face the voters immediately.

⁷⁴ For instance, Ramesh Chand Tomar was nominated by the Congress party from Gautam Budh Nagar parliamentary constituency. However, after several days after the last day for filing he switched to the BJP. This kind of last-minute switching would further reduce the morale of the party before elections (R. Singh, 2014).

⁷⁵ In the USA an election is held to select candidates within the party to run for public office. In simple terms the voters or the party members decide their party's candidates (Encyclopaedia Britannica, See <https://www.britannica.com/topic/primary-election>).

⁷⁶ As mentioned earlier, according to Article 132 of Panama's Constitution and Articles 107-122 of the Electoral Code, the parties that receive less than 5% of votes are immediately declared extinct by the Electoral Tribunal. Thereby, this forces the legislators of minor parties to join bigger parties or to remain independent (Mann, 2000, pp. 9-10).

Besides, Di Virgilio et al. (2012, p. 49), in their analysis of the timing of switching in the Italian XVI legislature, found that there was no switching during the 'benefit stage,' but there was increased switching during the 'policy phase', this substantiates that policy motive dominated the decision to switch for legislators in Italy. Furthermore, Kerevel (2014, p. 105), in the case of Mexico, argued that since party switching peaked at the end-term instead of being spread at the entire parliamentary cycle, it was due to vote motive.

Further, Mejía-Acosta (2004, p. 193), in his study on Ecuador, finds that defections were higher in the 1st year than at the end of the parliamentary term, as the legislators' switch in exchange for some payoff- policy or position or pork. Based on the above-discussed studies, this study examines the timing of switching, i.e., when do MLAs switch parties in India. The timing of the switch would provide some insights into understanding the motivations for switching. This study predicts the following hypothesis.

Hypothesis 6: Defections are higher in the early term than towards the end-term of the legislature.

The reasons for expecting this are. One, politicians can receive the maximum benefits if they switch early-term. As they can constantly negotiate for positions or policy in the new party until the end of the legislative term. Two, since it is assumed that voters' memory is short, if they switch at early-term, the voters might forget by the time of the next elections, but when they switch at the end-term, it would be seen as an opportunistic move to meet the legislators' ambitions. Three, by joining a new party in the early term, the switchers can establish support from a new party (party activists and campaigners) which would help in their next election.

2.5.5 Ideological Factor

Scholars like Desposato (2006) and Pinto (2015) have shown that ideology influences the direction of the switch and the motivation to switch. Switching is more when the distance between the legislator's ideology and that of the party is more (Desposato, 2006; Pinto, 2015). Likewise, the expected policy outcomes would be different when the party's ideology and its members' ideology are different. It is said that extreme ideological parties are less likely to face party switching, and those parties which follow the 'centrist ideology' are likely to see large-scale switching. Because

centrist parties would have pulls from many directions as they do not have a well- defined ideology (Volpi, 2017). McElroy and Benoit's (2009) work on party switching in the European Parliament has shown that politics at the transnational level is an extension of politics at the national level, where there is a Left-Right division on policy issues. Thereby, the switchers in the European Parliament choose that party group whose policy preference is like their own and avoid joining the party whose ideological position is far from their position.

Di Virgilio et al. (2012, p. 50) found that in ideologically homogeneous parties, MPs whose ideological position is far from the party are more likely to switch. In contrast, in ideologically heterogeneous parties' MPs whose policy position was close to their party are more likely to switch because of the party's inability to pursue policy goals effectively. The legislators feel that policy goals are being neglected due to increased ideological heterogeneity. Volpi (2019), in his work, has examined the relationship between ideology and party-switching in twelve western European countries from 1999- 2015. He finds evidence that parties with authoritarian values experienced frequent defections, and parties with unstable labels also saw a high number of defections. If the switch is to ideologically opposite parties, they cannot influence policy and therefore find it difficult to fit with the new party.

Another reason is that the legislators are aware/conscious that if they switch to ideologically opposed parties, they would be punished severely by the old party's loyal voters. The reason for this is it is easy for the centrist parties to move either to the Left or the Right, as observed by Antony Down in his spatial theory. However, it is difficult for extreme parties to choose parties opposed to their ideology. Yoshinaka (2015) argues that ideological differences might lead to party switching, but ideology is not sufficient to explain party switching (pp. 60-61) He highlights that in addition to ideology, the level of influence (position) a member exercises in the legislature should also be considered. He emphasises that those legislators who hold 'high-value committees' are less likely to switch than those who have 'low-value committees. Because those legislators with 'high-value committees' can influence their ideology by being in the party instead of switching to a new party (Yoshinaka, 2015, pp. 60-61). After examining the various determinants of party switching, one can argue that legislators will be guided by mixed-motives while deciding to switch or stay in a party. Analysing a single motive overlooks the complexity of legislator incentives. The following section discusses the costs and benefits of party switching.

2.6 Costs and Benefits of Party Switching

Party switching is associated with several costs and benefits. Party switching is not merely changing party labels; it affects several actors and relationships. The following section will discuss the various costs associated with party switching.

2.6.1 Costs of Party Switching to the Legislators

As noted previously, the costs of switching parties are not uniform for all legislators. It depends on several other factors, like whether the voters have a strong or weak partisan affiliation, whether the party system is stabilised or not, and whether the party system institutionalisation is strong or weak. Further, Nielsen et al. (2019) have highlighted that switching costs depend on the legislator's position in his party and the party's position in the legislature. Although the extent to which voters punish the incumbents for switching parties differs from case to case, scholars agree that party switching comes with some costs. The kind of costs the party switching can result in is highlighted in the below statement.

"Switchers have difficulty. Democrats are mad at them for leaving; Republicans fault them because they're a Johnny-come-lately. Their old friends hate them, and their new friends don't trust them". Former Democratic Representative Glen Browder (quoted in Yoshinaka, 2015, p. 22).

The existing studies have pointed out that party switching has several costs like electoral costs, loss of support to the legislator, increased competition, loss of trust, and facing a strong candidate in the elections. Nonetheless, it is electoral costs that are well-documented in most studies.

2.6.1.1 Electoral Costs

Electoral costs refer to the punishment that the voters exercise. It will be in the form of rejecting the defected candidates when they re-contest under a different party label. Several studies that have examined whether party switching has any electoral costs find that, in general, the party switchers see a decrease in their vote share when compared to their previous vote share (Mershon & Shvetsova, 2013; Grose & Yoshinaka, 2000; Kerevel, 2017; Grose, 2004; Yoshinaka, 2015; Sevi et al., 2018; Gherghina 2014).

Yoshinaka (2015, p. 116) highlights that party switching can lead to three types of electoral costs. First, 'average electoral effect'- in this case, after the switch, the defector's vote share would decrease in all elections that follow the switch. Here, the defectors might completely lose out on the 'old support', (the previous party's supporters). Second is the 'one- time electoral effect'- where party switching effects are felt only in the primary or post-switch elections. In the subsequent elections, the defectors can get back the support (Yoshinaka, 2015). The third, 'diminishing - electoral effect'- where the electoral consequences will be more when the defection is close to the elections, whereas the costs would reduce as the time gap between the defection and the election increases (Yoshinaka, 2015, p. 118). He finds that, on average, party switchers do worse in all elections following their defection, and the decrease in vote share was nearly 10-11% in the case of US representatives.

In their study, Grose and Yoshinaka (2000) examined the effects of party switching on the election results of switchers in the USA. Their study found that switchers' vote share on average declined by 7%. They explain that this might be because some previously supported voters abandoned the legislator after he/she switched. Further, in this line of research, Grose (2004) looks at whether electoral costs will differ if a legislator switches to a majority party in the legislature. His study finds that changing into a majority party might not lead to a higher vote share, but it avoids negative electoral impact, as it prevents the decrease in vote share. Similarly, a study by Yoshinaka and McKee (2019) on state legislatures in the American South found that non-switchers were more likely to be re-elected and receive a higher vote share than the switchers.

Apart from the studies on party switching in the USA, Gherghina's (2014, p. 8) work in Romania finds that MPs switching to parties in government are six times more likely to win than switchers to the opposition party. His study also showed that MPs switching earlier in the term are more likely to get re-elected than the end-term switchers. Because switching at the last minute would be seen as changing parties to meet the re-election motive (Gherghina, 2014, p. 4). Further, he argues that MPs who switch from small Parliamentary Party Groups (PPGs) are more likely to win than MPs from large PPGs. Because MPs from small PPG have higher personal votes than those of large PPGs who depend on the party's popular support and enjoy fewer personalised votes (Gherghina, 2014, p. 4).

Furthermore, in their study, Sevi et al. (2018) analysed party switchers' electoral performance in Canada from 1872 to 2015, and found that switchers generally face a 5% penalty for switching parties (p. 697). They further investigate to see whether party institutionalisation has any effect on the electoral performance of switchers. They observed that when party institutionalisation in Canada was weak in the initial period of confederation, switchers did not perform worse than non-switchers. However, between 1993 and 2015, when the party institutionalisation was strong, party switchers faced high electoral costs, receiving around 20 percentage points fewer votes than non-switchers.

In addition, in their study on Canada, Snagovsky and Kerby (2018) found that the proportion of incumbents who switch parties and get re-elected is low compared to incumbent non-switchers (p. 434). They add a new dimension to see if there is any relationship between the reason for switching and the electoral consequences and find that those MPs who switched parties for 'office and vote-seeking reasons have higher electoral costs than MPs who switch for policy-based reasons. They also find that the MPs who changed parties because they were removed from the party or lost the nomination battle are likely to face high electoral costs because voters would see their criminal wrongdoing more than their party affiliation. They found that MPs who switched for office reasons saw a 6% decrease in their vote share, and MPs who switched for electoral reasons saw a decline of 8.8 %, whereas those who were forced to leave the parties faced the highest decrease of 12% (Snagovsky & Kerby, 2018, p. 438).

A study by Kerevel (2017) in the Mexican context finds that those who switch parties achieve short-term gains because they are more successful at winning access to the ballot (getting nominated as a candidate) than non-switchers. But they face the penalty at the ballot box because they are less successful at winning elected office than those who remain loyal to their political parties. However, this should not conclude that party switching will always have electoral costs. In this line, Yoshinaka (2015, p. 23), in his book, argues that it is not true that party switchers always face electoral costs. In contrast, party switchers might benefit when they switch to a 'correct party'⁷⁷ in the constituency.

⁷⁷ Correct party here means the party that enjoys the majority support of voters and has got high chances to win in the subsequent elections.

Likewise, legislators who switched parties in Brazil expected no or minor consequences in electoral support. Switchers believed that voters did not care about party affiliation because voters vote for individual candidates rather than for an ideology (Desposato, 2006, p.70). Though scholars agree that switching leads to electoral costs, it is not the same in all countries because it depends on the context, constituency specific factors, level of partisan ties, and the institutionalisation of the party system.

In their study, Evans et al. (2012) have tried to explore the reasons behind the negative consequences of party switching. They argue that candidates, political parties, interest groups, and media play an essential role in categorising the motivations of the switch either as 'principled' (ideology) or 'opportunistic' (political survival). They further claim that the 'principled frame' is generally advocated by the switcher, the new political party, select interest groups, and media groups (p. 885).

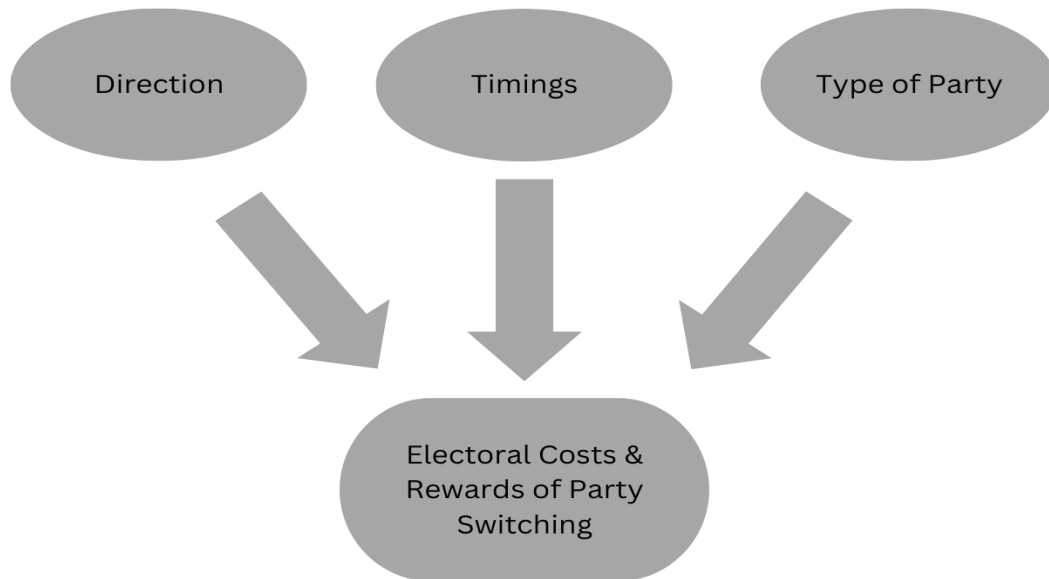
On the other hand, the 'opportunistic frame' is advocated by the abandoned party and challengers in primary or general elections (Evans et al., 2012, p. 886). They suggest that considering the switch, either opportunistic or principled by the voters, depends on their partisan ties or lack thereof. For example, Arlen Specter, in the USA, moved from being a Republican to Democrat. In the US, when the voters' perceptions on switching were analysed with their partisan ties, it was found that Republicans and independents saw his move as 'opportunistic' whereas, the Democrats saw his decision to switch as 'principled', which as a more positive connotation (Evans et al., 2012, p. 895-896). This study examines the electoral costs of the switcher. Based on the existing research on defectors' electoral performance, this study has formulated the following hypothesis.

Hypothesis 7: Defectors are likely to see a decrease in vote share than an increase in subsequent elections.

Hypothesis 8: Electoral costs of defectors switching to major parties are less than defectors of minor parties.

Figure 2.2

Determinants of Electoral Costs of Defectors



Source: Created by the researcher based on the existing literature.

2.6.1.2 Increase in Electoral Competition

Studies have shown that switching parties will lead to increased electoral competition. Electoral competition means the degree to which the opposition parties can hold the incumbents accountable through strong campaigns⁷⁸. Yoshinaka (2015, p. 219) argues that party switching leads to increased competition, especially in the first election following the switch. He finds evidence of this in the USA's case, where switchers faced increased competitiveness at the primary and general elections (Yoshinaka 2015, p.140).

2.6.1.3 Loss of Traditional Support and Lack of Backing from the New Party

Studies show that switchers might lose the support of traditional voters of the old party as the

⁷⁸ See, https://www.opendemocracynh.org/odi_electoral_competition.

legislators have switched to another party with a different ideology or principles (Yoshinaka & McKee, 2019). Moreover, the switchers will not be able to get the new party's traditional supporters because the party supporters see the newcomer as an 'outsider.' In the last election, the supporters of his new party would have campaigned against this candidate (Yoshinaka, 2015, p. 31).

2.6.1.4 Facing a Strong Candidate and Increased Spending by Former Party

The party that the legislator left may have a firm conviction to defeat the defector. Thus, the party to retain a particular seat will field a strong candidate against the switcher in the upcoming elections (Yoshinaka, 2015). The former party might target the switcher because it wants to signal that if other party members leave the party, they will also face a similar battle (Yoshinaka, 2015, pp. 36-37). In addition to the strong candidate, switchers face a quality challenger (strong opponent) in the first election after the switch. This might be one reason the defectors are more likely to lose elections (Yoshinaka, 2015, p. 134). The party that lost a legislator will spend more money on the campaign to regain the lost seat.

2.6.1.5 Loss of Trust among the Voters and Personal Relationship with Party Leaders

Party switching can lead to the loss of trust in legislators, both among the voters of his constituency and other colleagues in the new party. The new colleagues might not cooperate with the legislator after he defects, thinking about his lack of loyalty (Yoshinaka, 2015, pp. 37-38).

2.6.1.6 Loss of Seniority

Existing studies illustrate that, generally, with the party caucus, the switchers will lose seniority in committee tenure unless the new party is ready to accommodate the switcher by giving committee assignments (Yoshinaka, 2015, p. 40).

2.6.1.7 Public Criticism

Party switching, in some cases, may lead to increased public criticism. The criticism is more especially if the switch is driven by 'opportunism' rather than by 'principle' (Sevi et al., 2018, p. 668). For instance, in 2005, Belinda Stronach from the Conservative party in Canada switched to the Liberal party just two days before the budget vote and helped the government's survival.

Immediately she was appointed to the cabinet, and this led some of her male MPs to accuse her as “prostituting” herself to fulfil her political ambitions (Sevi et al., 2018). Since her move was just before the budget vote, it was seen as opportunistic behaviour and received public criticism⁷⁹.

The costs of party switching depend on various other factors. First, if the electoral volatility is high, the penalties for incumbents who shift parties might be less severe. Because high volatility shows that voters are switching parties for strategic reasons. Thereby, they might not view party switching in a negative sense. Second is the number of elected members per constituency. The greater the number of representatives elected per district/constituency, the ties between voters and representatives become weaker, in which case the freedom to alter party affiliation is more (Mershon & Shetsova, 2013, p. 112).

Third, the kind of ties between the voters and the representatives. The costs of switching are less in countries where the ties between parties and voters are weak. Fourth, the exposure to democratic rules - the longer the exposure to democratic rules, the greater the demand to remain faithful, and the voters are more likely to punish the switchers for partisan disloyalty (Mershon & Shetsova, 2013, p. 113). Fifth, the level of party identification among the voters, for instance, in the Philippines and Thailand, party identification is low, and there is little difference among parties on policy orientation. In both these countries, inter-party mobility is rampant (Mershon & Shetsova, 2013, p. 151). Sixth, if there is social acceptance of partisan disloyalty, they would not punish the defectors (Klein, 2016, p.734). Furthermore, one should be aware that the consequences of an individual switch might differ from that of the group switch (Volpi, 2017, p. 20). As noted earlier, individual switching would be seen as opportunistic and to meet their ambitions, whereas group switching would be seen as a result of policy differences.

⁷⁹ In India, generally switchers are welcomed by the public with garlands, but there are instances where the public has expressed their anger. For example, in Telangana, Bantho Haripriya, MLA of Yellandu constituency, was initially with TDP and had switched to INC and had won on INC ticket in 2018. With the victory of TRS in the 2018 assembly elections, 12 Congress MLAs joined TRS, and Haripriya was one among the 12 MLAs. Within a month after her switch, local body elections were scheduled. She was campaigning for TRS, Mandal Parishad Territorial Constituency (MPTC), candidate; during the campaign, the Congress cadre attacked her with stones and chappals (Cong MLA in Telangana, 2019). Similarly, when 12 MLAs of Congress switched to TRS, student leaders in Hyderabad had performed public last rites of switchers (Students perform last rites, 2019).

2.6.2 Costs of Party Switching for the Parties

The costs of party switching are not limited to the defectors; party switching also affects the political parties that welcome the defectors. The following section looks at the impact of party switching on parties. The first is a shift in party ideology— studies argue that if the switch is by a single legislator, then the legislator might be influenced by the party's policy position that he joins. In contrast, when the switch is by a group of individuals, they might control the party's policy position (O'Brien & Shomer, 2013).

The second, in the long run, giving tickets to the defectors may lead to increased out-switches in the party. When the party promises party tickets to the defectors, this could lead to a direct conflict between the defectors and the party loyalists. Here, party loyalists include candidates who lost in the previous elections, and aspiring candidates would be looking for a ticket⁸⁰. The third, infighting in the party— allocating ministerial and other positions in the government to defectors leads to infighting in the party. As it is difficult to accommodate all legislators with an office, and when defectors are preferred, it may result in infighting⁸¹.

2.7 Benefits of Party Switching

Party switching can benefit both the switchers and the political parties that welcome the switchers. When politicians switch to majority parties, they are more likely to receive benefits because the majority party will have access to resources. The party leaders treat defectors favourably for reasons like: a) defection into the party might have saved the minority government from collapsing, b) The political party expects that the defectors to the party would bring support in those areas where their party was weak (Yoshinaka, 2005). The benefits of party switching are as follows.

⁸⁰ For instance, in Karnataka in 2019, when the defectors from JD(S) and Congress were given tickets to contest the bye-polls, two of the BJP party members who had contested and lost in the 2018 assembly elections, left BJP. As the party ignored them to accommodate the defectors. One contested as an independent and the other joined the Congress party.

⁸¹ For instance, in Karnataka, in 2008, when the defectors were given ministerial positions, it led to infighting. Towards the end of the term, it resulted in the BJP government's dissolution when many BJP MLAs resigned. In Karnataka, in 2020, when all except for one defector were made ministers, there was unhappiness among those who served in the party for a long time. Because the defectors were preferred over the party loyalists while distributing ministerial positions. Hence, it reflects that the switchers' accommodation by elites of the party creates more space for the party infighting.

2.7.1 Paybacks of Party Switching to Legislators

2.7.1.1 Office Benefits

The ‘office benefits’ mean accessing committee assignments, getting ministerial benefits, or any other position in the government. As discussed in the section on individual determinants of party switching, office-seeking is one of the three motives of politicians seeking opportunities to fulfil their goals. Several studies have shown that switchers are given office positions. Using the data from the 94th to 107th U.S. House of Representatives, Yoshinaka (2005) finds that when all other things are equal, Members of Congress who switch parties are more likely than non-switchers to be appointed to committees. He also shows that switchers were provided with high-ranked committees by violating the seniority norm. The study also finds that members from marginal districts are more likely to be rewarded with committee assignments than safe districts (Yoshinaka, 2005, p. 399). Because to increase the seat share of the party, it is essential to gain the marginal constituencies since the win in safe constituencies is almost secured⁸²

2.7.1.2 Issue of Party Ticket

Since being in power is an essential ambition of politicians, given the defectors' demands, parties see that they fulfil their ambition of re-election by offering them party tickets to contest in the upcoming elections or bye-polls⁸³.

2.7.1.3 Granting More Funds to Constituency

Parties in government can also provide resources for patronage and pork barrel funds for projects to develop their constituency (Kemahlioğlu & Sayari, 2017).

⁸² Defectors most often will be made chairman of boards or ministers (for example, in India from 1967 to 1968, out of 210 MLAs who defected in various states, 116 were included in the Council of Ministers (Malhotra, 2005, p. 5). Similarly, in 2008 when six independent candidates defected to BJP in Karnataka, five out of these six candidates were made ministers, and one was made a chairman of a board (Srinivasaraju, 2008). As already mentioned, in 2020, out of 11 MLAs who won in bye-polls in Karnataka, 10 defectors were made ministers.

⁸³ The details of the percentage of defectors given party tickets in the state legislature are discussed in chapter V.

2.7.2 Paybacks of Party Switching to the Parties

Like the individual legislators' political parties are also ambitious; hence, they would always aim to increase their seat strength because it will give them a stronghold on passing bills. Apart from improving their seat strength, they aim to increase cabinet positions and committee members to their party. Party switching has several benefits for the parties as well. That is why most political parties' welcome defectors. All parties, like major, minor, small, and new parties, accept defectors, primarily to meet their political goals.

In this study, a major party can form a government on its own most of the time, and if it fails to form a government, it can perform the role of the main opposition party in the state. A minor party cannot form a government on its own, but with the help of other parties, it can rarely form the government. It does not gain a significant percentage of the vote share. A small party draws its support mainly from a particular social/ethnic group and is limited in its geographical presence in the state. A small party cannot form a government independently like a minor party. New parties (start-up parties) are usually established by a leader or group of politicians from an established party either due to ideological differences or when the party fails to accommodate the interest of the faction.

2.7.2.1 Electoral Benefit

Political parties always aim to expand their electoral base by winning more and more constituencies/districts. Welcoming defectors sends a positive signal about the party's fortunes to the voters and those who contribute financially to the party (Yoshinaka, 2015, p. 149). Therefore, the parties ensure that they give publicity to in-switches into their party through official party Twitter accounts, party Facebook page, print, and electronic media. They provide publicity to show voters that it is yet another sign that the opposition party is declining. This influences the voting decision of voters. Voters who think it is not profitable to vote for the sinking ship might choose to vote for the majority party (Yoshinaka, 2015).

2.7.2.2 Expansion of Party Supporters and Constituencies

Another benefit of party switching for the receiving party is that some switchers will bring their supporters, party activists, and campaign workers to the new party (Yoshinaka, 2015, p. 149). This

helps the party leaders who constantly aim to expand their support. This may help them win in areas they previously did not have a hold.

2.7.2.3 Economic Interest of the Party

Welcoming the defectors into the party helps a party win one more seat without running a costly race against the opposition candidate. It is considered an easy and low-cost method to achieve electoral gain⁸⁴ (Yoshinaka, 2015, p. 149).

2.7.2.4 Institutional Benefits to Parties

In some instances, switching by one or two legislators can achieve their goal of gaining the majority (Yoshinaka, 2005). If a ruling party enjoys a razor-thin majority and the party's legislators threaten with defections, the party may try to attract members from other parties ((Yoshinaka, 2005, p. 392). At the electoral level, welcoming in- switch sends a positive signal to the voters and contributors about the party's fortunes. Party switchers often bring several activists, campaign workers, and local supporters (Yoshinaka, 2005, p. 392).

2.8 Consequences of Party Switching

Party switching can affect institutions (parties and party systems) and individual legislators. The significant consequences of party switching are as follows.

2.8.1 Change in the Number of Legislative Parties and Party System

Party switching may lead to a change in the number of legislative parties and party systems of a country without the direct involvement of the voters. Shvetsova and Mershon (2009), in their study, argue that political parties are not fixed units from one election to the next. Conversely, parties and party system changes occur between elections without the direct involvement of voters due to individual legislators' decisions to switch parties.

Party switching can either bring changes to the number of parties in the legislature or, sometimes, even if the number of parties remains the same, it might change the power equilibrium

⁸⁴ This might not be true in India because often newspaper reports keep highlighting that defectors were paid crores of rupees, especially when the switch is to sustain a government or help form the government.

(O'Brien & Shomer, 2013, p. 113). Party switching can lead to any of the following four types.

Table 2.5
Various Forms of Party Switching

Sl. No	Switching Type	Meaning
1	Fusion	Where two or more parties come together into a single organisation/party
2	Fission	Dissolution of the party into two or more factions
3	Start-up	Legislators from one or more parties may form a start-up (new party)
4	Disowning the party label	Some legislators may disown the party label and may declare themselves independent candidates

Source: Based on O'Brien and Shomer (2013, p. 113).

2.8.2 Ideological Shift among Legislators and Parties

Existing studies indicate that party switching can change the ideological orientation of the legislators who switched parties, and sometimes even the ideology of parties that welcome the switchers gets altered. Nokken (2009) examines the behavioural change among the legislators who switched parties in the U.S. House of Representatives. His study has shown a sizable shift in switchers voting behaviour across all types of votes among the switchers, i.e., final passage, amendment votes, and procedural votes (Nokken, 2009, p. 102).

He further observed that the Members of Congress who moved from the Democratic to the Republican party have shifted to the Right, and Republicans who moved to Democrats have turned to the Left (Nokken, 2009). This shows that party affiliation carries a code of conduct, where compliance would bring strong incentives, but deviations from the party's course may result in leadership sanctions (Nokken, 2009, p. 85). Furthermore, Kemahlioğlu and Sayari (2017, p. 189) argue that if the switch is by a single legislator, he might be influenced by the policy position of the party he joins. In contrast, the group of switches would influence the party's policy position.

2.8.3 Change of Power to Frame Policy

Studies indicate that party switching can change the power to frame policy. Mershon and Shvetsova (2013) explain how a single switch can move the core of policy. In the year 2000, in the US Senate elections, the Republicans and the Democrats got equal seats, but because of the vice-president tie-breaking vote, Republicans enjoyed a majority. However, in 2001 Senator Jim Jeffords of the Republican party declared himself an independent candidate leaning towards Democrats. This switch by one person completely changed the power of decision-making from the Republicans to the Democrats. Therefore, one can argue that even a single individual or a small group can change the policy core; with the switch, the power to make legislation can be shifted from one party to another⁸⁵.

2.8.4 Financial Consequences

Hamel and Yoshinaka (2020), in their study on the Members of Congress in the US, find that party switching leads to financial consequences for the incumbent legislators. They compare the donations to Members of Congress before and after the switch and between the switchers and non-switchers. The study shows that party switchers received more funds from 'out-of-district donors'⁸⁶ than 'in-district donors'. Likewise, non-switchers and party switchers received more funds from 'in-district donors'. This indicates that party switching leads to local costs, forcing party switchers to search for a new network of donors with whom the representatives would not have any geographic ties (Hamel & Yoshinaka, 2020, p. 12-13).

The 'out-of-district donors support the switchers due to partisan loyalty, ideology, and agreeing to their party appeals' (Hamel & Yoshinaka, 2020). If donations come from 'out-of-the-district donors' rather than from the constituency, the legislator is expected to support policies that the 'out-of-the-district donors' want rather than their constituents' wishes. This would change the representational dynamics between the representatives and the constituents (Hamel & Yoshinaka, 2020, p. 19). They also highlighted that party switchers received more funds from their new party than the non-switchers because the receiving party would like to retain the non-switchers and

⁸⁵ Similarly, as noted earlier in Australia, a Senator, Meg Lee, defected from being a Democrat to independent in 2002; this led to the loss of majority by the Labour-democrat-green coalition (Yoshinaka, 2015, p. 18).

⁸⁶ The electoral districts in the USA are like Indian electoral constituencies.

wants to send a positive signal to the potential switchers that the party would help them reduce the costs of party switching (Hamel & Yoshinaka, 2020).

2.8.5 Deterioration on the Trust of Political Parties

Party switching, often seen as an act of ‘political opportunism,’ may decrease the levels of trust in political parties (Barrow, 2007, p. 166). The amount of confidence the political parties enjoy is already lower in most countries than the trust in other institutions like the judiciary and parliament. In this context, widespread party switching might further decrease voters' trust in political parties.

2.8.6 Decreases Party Legitimacy and Weakens Party System Institutionalisation

By changing coalition composition and altering the nature of bargaining in parliament, party switching can decrease party legitimacy (O’Brien & Shomer, 2013, p. 112). Moreover, due to party switching, the lack of commitment to parties would undermine the party system's institutionalisation. This might result in disabling democracy itself (Thames, 2007).

2.9 Party Switching and Democratic Representation

Political parties play a vital role in parliamentary democracies because the legislative parties act as a building block of the executive in a parliamentary system. After all, the cabinet is formed out of the legislature, and the executive can continue until it has the legislature's support (Mershon, 2014, p. 1). Is party switching always seen as an unethical act? whether party switching is seen negatively or positively depends on the context and position. The stand of political parties on party switching depends on where the party stands, i.e., whether it is a ruling or an opposition party.

Whenever the switch is to the ruling party, the party welcomes party switchers and claims that the legislators of other parties are joining their party because they are happy with the developmental works carried out by the ruling party. Whereas, when the legislators from the opposition party switch to the ruling party, the party's leaders criticise them and argue on the normative notion that it violates people's mandate. The rational legislators defend their shift of parties claiming that they switched to get more developmental works to their constituency. The switchers further claim that they were helpless being in opposition because they could not serve the interests of their constituents.

Scholars examining party switching on moral grounds argue that party switching should be seen as a negative aspect of the political system. Because 'voters support a candidate based on his party label or coalition membership, switching to another party appears a complete betrayal of the electoral contract between the voters and the elected officials' (Heller & Mershon, 2009). Arguing on similar lines, DeSouza (2001) compares the relationship between the representative and the represented (people) to promisor and promise. In representation, the promisor (legislator) must follow the manifesto. Still, when the promisor changes the party accepting another manifesto, they violate the promise, thereby losing the moral authority to represent the promise. Therefore, those who switch parties should return the authority which comes from being an elected representative, that is, resign or offer for re-election. Instead, the defectors continue to be members of the other party (DeSouza, 2001).

Defectors often invoke the independence theory of representation (trustee style) to justify their action of defection. The switchers claim that they know what is better for their constituents and hence have the freedom of choice to shift parties. Here there is still the 'promisor' and 'promise' relationship, but what has changed is that the promisor (legislator) now becomes the interpreter of what is promised in the contract to the promise (DeSouza, 2001). Nevertheless, if the legislator switches after winning an election, it violates this contract.

Legislators who switch parties often argue that defection is a matter of choice, and as individuals, the legislators have a right to decide whom to support (Kumar & Banerjee, 2016). But this raises a question of whether legislators are free to choose parties once citizens have given their mandate. The mandate that the legislators receive might not be merely for the personal qualities of legislators but for the manifesto and the party's ideology.

From the rational choice approach, scholars like Heller and Mershon (2009) point out that party switching should not always be seen as unfavourable because it is part of the system. Legislators might switch because of the increased difference between their policy preference and the party's policy preference, or they might want to represent their constituents in a better way. The contract between the voter and the representative is violated when they switch the party without consulting the constituents. But since the voters do not always elect the representatives solely on the party label, one cannot call it a violation of representation because, in some cases, it

might improve the representation (Heller & Mershon, 2009). By switching to the government or coalition, legislators can bring in more developmental projects to their constituencies, which is significant for underdeveloped ones.

Kemahlioğlu and Sayari (2017, p. 202) argue that when the representation is seen as 'serving as a conduit' for the opinions of the represented collective, switches do not harm democratic representation because representatives will pursue similar policy goals even after switching. In contrast, when elections are seen as 'instruments of democracy,' i.e., means to hold the representatives accountable, they escape the punishment by switching to different parties. In this case, it would be seen as a violation of representation.

In addition, party switching can violate representation when defectors do not participate in parliament. For example, in Ukraine, defectors showed a higher absence rate while voting in parliament than non-defectors. Therefore, by not voting in the parliament, legislators fail to represent their constituents (Herron, 2002, p. 636). Since party switching is associated with many normative concerns, several countries have enacted laws regulating party switching. According to Janda (2009, p. 4), as of 2007, nearly forty-one countries have adopted anti-defection laws. Hence, it is essential to unravel how, why and when legislators in India switch parties despite the anti-defection law.

2.10 Conclusion

By examining party switching conceptually and analysing various studies in different political systems and contexts, this chapter has drawn a theoretical framework for this research. This study believes that the individual motivational factors of vote, office, and profit and the institutional factors like the nature of political parties, type of government, federal institutional design, and the timing of the legislative cycle facilitate the legislators to switch parties. Further, the study assumes that the electoral costs of switching depend on the direction of the switch, the type of party, and the timings of the switch.

This chapter has formulated hypotheses based on the existing theoretical explanations. These hypotheses will be examined in chapter IV and V. The current literature identifies two main approaches, rational choice and institutional approaches to party switching. This research will use

both these approaches to understand the phenomenon of party switching in India. The chapter has presented that individual motives and institutional settings determine party switching.

Chapter-3

A Critique on Anti-defection Law in India

3.1 Introduction

The surge in party switching in India from 1967 affected the power dynamics in several state assemblies, resulting in government instability. In this context, many constitutional experts, academicians, and politicians criticised party switching on moral grounds. From an ethical perspective, party switching is considered undesirable and undermines the functioning of representative democracy. Consequently, the Parliament adopted institutionalised regulatory measures in the form of the anti-defection law in 1985 to prevent party switching. Thereby, it is essential to understand the historical development, the political context in which the anti-defection law was enacted, and how it has been operationalised. Likewise, understanding the provisions of the law, loopholes, and criticisms against the law would help us systematically examine the phenomenon of party switching in India.

This chapter consists of four sections. The first section discusses the historical development and the context in which the anti-defection law was introduced. It also describes the provisions of the law and how the law has been used/misused by various political actors, be it the legislators, the Speakers of Lok Sabha and the Legislative Assemblies and the Chairman of Rajya Sabha and the Legislative Councils, and the Governors. The second section examines the criticisms against the law and the innumerable loopholes in the law. The third section describes the various suggestions put forth by different court judgments, reports of committees, and opinions expressed by academicians, advocates, and Constitutional experts. The last section documents the presence of anti-defection laws in other parts of the world and discusses the impact of anti-defection laws on democracy.

3.2 Historical Development of Anti-Defection Law in India

Indian politics has been experiencing recurring instances of group and individual switching. As discussed in the introduction, party switching existed from the first elections. However, India experienced a phenomenal increase in defections from 1967 (Sachdeva, 1989, p.158). The main reason for the upsurge in defections is the loss of the Congress party's dominance

in key states and the friction between Indira Gandhi and the syndicate members⁸⁷ of the Congress party (Nikolenyi, 2021). In 1967, in eight states,⁸⁸ the monopoly of the Congress party ended⁸⁹, as the party could not secure a majority which led to the formation of coalition governments. The end of one-party dominance and the emergence of coalition governments facilitated the ambitious legislators with increased options to shift parties. In this political context, several legislators who were part of the coalition governments in the States were dissatisfied because they were not accommodated as ministers (Kashyap, 1993, p. 2). Hence, the legislators constantly changed parties to meet their vote and office motives.

In one year, between March 1967 and February 1968, there were 438 defections at the state legislatures. As a result, there was increased political instability in states (Chavan, 1969). Further, between 1967 to 1971, out of the total elected legislators of, 4000 from Lok Sabha, State assemblies, and Union Territories, there were nearly 2000 cases of defections and counter defections (Kashyap, 1993, p. 2). After experiencing a surge in defections, P. Venkatasubbaiah, the then Congress MP in Lok Sabha, proposed setting up a high-level Committee to make recommendations to tackle legislators changing their allegiance from one party to another (Gehlot, 1991). Subsequently, the parliament constituted a committee on defections under Home Minister, Y. B. Chavan's chairmanship⁹⁰ (Gehlot, 1991). This committee consisted of representatives from political parties and constitutional experts (Kashyap, 1993, p. 3). The Committee, in its report, highlighted that "the lure of office played a major role in influencing the legislators to defect" (Chavan, 1969).

Further, the report stated that between 1967 and 1968, out of 210 defected legislators, 116 were included in the council of ministers in seven states⁹¹ where governments were formed with defectors' support (Chavan, 1969). To address the practice of rewarding the defectors with ministerial posts, the Chavan Committee on defections recommended that the defectors be barred from holding ministerial berths and suggested that the council of ministers' strength be smaller at

⁸⁷ Syndicate was an informal group in the Congress party that controlled the Congress party Organisation. The main leaders of the syndicate were K. Kamaraj, N. Sanjiva Reddy, S. K. Patil, S. Nijalingappa and Atulya Ghosh.

⁸⁸ The eight states where the Congress party lost majority were Bihar, Kerala, Madras, Orissa, Punjab, Rajasthan, Uttar Pradesh, and West Bengal (Kashyap, 1993, p. 2).

⁸⁹ For details on the end of political monopoly of the Congress party see table 4.4, 4.5 and 4.6 in chapter four.

⁹⁰ For details on the composition of the Committee on Defections see Appendix 3.

⁹¹ The seven states are Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh, and West Bengal (Chavan, 1969, p.1).

the centre and in the states (Roy, 2019). Though the Chavan Committee submitted its report in 1968, the government did not act on the report until 1973 (Kashyap, 1993, p. 3). Uma Shankar Dikshit, then Home Minister, made the first attempt to introduce the Constitutional Amendment Bill⁹² on defections in Lok Sabha under Indira Gandhi's government on 16th May 1973. Although the opposition parties supported the bill, it got stuck because the government referred it to a Joint Parliamentary Committee (Roy 2019; Gehlot, 1991, p. 327). After being hung for two years in the Committee, the bill was suspended with the declaration of a National Emergency in 1975.

After the General Elections held to Lok Sabha in 1977, a Constitutional Amendment Bill⁹³ was introduced for the second time in the Lok Sabha in 1978 by Shanthi Bhushan, Minister for Law and Justice in the Janata government. The bill was opposed in the introduction stage by some ruling party members and the MPs from opposition parties. The reason for the disapproval of the bill was considering voting against the party whip⁹⁴ as defection (Roy, 2019; Gehlot, 1991, p. 327). Because it was seen as the curtailment of legislators' right to exercise vote and express their views freely.

After her return, Mrs. Indira Gandhi's government in 1980 was not keen to enact the anti-defection law. Her government did not push the bill because, in the early 1980s, defections to the Congress party increased⁹⁵, unlike in the late 1960's and 1970s when the Congress party saw more out-switches than in-switches⁹⁶. However, the Congress party's efforts to bring down the non-Congress state governments between 1983 and 1984 in Andhra Pradesh, Karnataka, and Jammu and Kashmir, aroused public opinion in favour of an anti-defection law (Kamath, 1985, p. 1052).

In this regard, two attempts were made at the state level to curb defections with a regulatory mechanism. First attempt was by Sheik Abdullah's government in Jammu and Kashmir. His government enacted the anti-defection law in 1979. However, the law was challenged in the

⁹² This bill was titled the thirty-second Constitutional Amendment Bill 1973.

⁹³ This bill was titled the forty-eight Constitutional Amendment Bill 1978.

⁹⁴ In countries like the UK and the USA, Whips carry the function of communicating the views of party leaders to the members and the views of the members to the party leaders (Kashyap, 1993, p. 62). In Indian context a whip is a person designated to ensure that the members of the party are present and vote according to the direction issued by the party.

⁹⁵ For instance, in Haryana, the Janata government was converted into Congress government when Bajan Lal switched into Congress with 35 legislators. Similarly, in Himachal Pradesh, Congress (I) formed the government with the help of defectors from the Lok Dal and the BJP (Kamath, 1985, p.1042).

⁹⁶ Details on the number of in-switches and out-switches in different phases are discussed in Chapter IV.

Supreme Court of India; thereby, it did not come into force (Kamath, 1985, pp. 1050-51). The state of Karnataka, the first non-Congress government under the leadership of Ramakrishna Hegde made a second effort in this regard in 1984. During this time, the central government headed by the Congress party tried to topple Mr. Hegde's government. In this political scenario, Hegde introduced a bill to curb defections, but later, his government did not act on the bill (Kamath, 1985, pp. 1050-51). Nevertheless, he could sustain his government with the strong public opinion mobilised against the politics of defection.

The attempts by the state governments to enact anti-defection laws were not successful. Nevertheless, the Congress government at the centre once again pushed for passing the law. After Mrs. Gandhi's assassination, Congress won a landslide victory in the eighth Lok Sabha, winning 415 seats, almost 76% of seats, and Rajiv Gandhi was appointed as prime minister. In his 1984 election campaign, Rajiv Gandhi promised that he would take steps to curb corruption in India. One of the measures that he openly promised was to introduce an anti-defection law (Mitra, 1985). Rajiv Gandhi's government enacted the law in eight weeks after coming to power. This helped Mr. Gandhi to project his image as 'clean' (transparent/ not a corrupt man). It was said that this law raised his popularity just a month before the assembly elections in eleven states (Mitra, 1985).

In his presidential address to both houses of Parliament on 17th January 1985, the then president Giani Zail Singh stated that the government intended to introduce a bill to curb defections. To fulfil this assurance, the government introduced the 52nd Constitutional Amendment Bill on 24th January 1985. The bill was introduced by Ashoke Kumar Sen, the then Law Minister in Rajiv Gandhi's government (Roy, 2019). This time the bill was widely supported by all the opposition parties and was passed in Lok Sabha unanimously on 30th January 1985. The bill was passed in the Rajya Sabha the next day (Gehlot, 1991; Nikolenyi & Shenhav, 2015, p. 398). This was the first time in India's parliamentary history that Lok Sabha passed a Constitutional Amendment unanimously (Sachdeva, 1989, p. 161).

It was the third attempt that led to the successful passing of the bill in 1985. The 52nd Constitutional Amendment enacted the anti-defection law, adding the Tenth Schedule to the Indian Constitution. The bill was passed to strengthen political institutions (Gehlot, 1991, p. 327). The Act came into force on 1st March 1985. For the first time, the Congress party introduced an anti-

defection bill to restrict and punish defections in the future, as the Congress party saw several out-switches (Nikolenyi, 2021, p.15). However, the bill lapsed in the Parliament as Congress did not enjoy the majority in the Rajya Sabha. Subsequently, the Congress party could pass this bill only once it gained a majority in the upper house in 1985 (Nikolenyi, 2021, p.15).

The law was considered a ‘historic and landmark in Indian parliament’. Rajiv Gandhi had called it a first step towards ending ‘politics without principles’ (Sachdeva, 1989, p. 168). The law intended to curb what was famously called “*Aaya-Ram-Gaya-Ram*”⁹⁷ (the practice of frequent party switching by Indian legislators). With the introduction of the law, it was expected that the role of illegal money in politics would reduce and prevent the quid-pro-quo of ministerial berths for switching parties (Daniyal, 2020 a). The main intention of the law was to ensure that defections do not lead to political instability. In this regard, most members of Parliament welcomed the bill; even among the opposition parties, it was well-received. For instance, N. T. Rama Rao⁹⁸ urged all the MPs from his party to vote in favour of the bill (Mitra, 1985).

In contrast, some parliamentarians like Madhu Limaye, J.P Kripalani, Madhu Dandavate, and others expressed that the law indirectly aims to establish ‘party despotism’ in the country (Gehlot, 1991, p. 331). For example, Madhu Dandavate, a Member of Lok Sabha from the Janata Party, stated that this law was the government’s first step toward totalitarianism (Mitra, 1985). Likewise, critics noted that Congress (I)⁹⁹ did not allow the bill for public debate and failed to take the consensus of all political parties (Gehlot, 1991). Further, some of the legislators from the opposition parties criticised the bill as being hurriedly enacted without any scrutiny to strengthen the Congress party (Gehlot, 1991).

Countering the criticism from the opposition parties, Rajiv Gandhi replied that for the Congress, the problem was not that of Congress legislators leaving the party but the legislators from other parties wanting to join the Congress (Sachdeva, 1989, p.161). Although Rajiv Gandhi argued that the law was not an effort to assist the Congress party, it was claimed that it indirectly

⁹⁷ This phrase was coined Gaya Lal, an MLA in Haryana in 1967, switched three parties within a fortnight.

⁹⁸ N T Rama Rao, a film star turned politician had risen to power in AP in 1983 with his new regional party, TDP. He had criticised the high command culture in the Congress, and he emphasised the ‘Telugu pride’ (Suri, 2005).

⁹⁹ Congress (I) was a breakaway group within the INC formed in 1978 by Indira and her supporters. The Election Commission considered Congress (I) as the real Congress. In 1996 the letter (I) was dropped, and the Congress party became INC.

helped the Congress party. For instance, in the initial law, it was difficult for the defectors to break up the large governing party, like the Congress, while allowing defections from small parties. With the 1/3rd bar, breaking the Congress party unity was difficult, but it was easy for the smaller parties to suffer from defections (Nikolenyi, 2021). This section described the historical development and the political context the law was introduced, and the following section describes the provisions of anti-defection law and the conditions under which a legislator can be disqualified for shifting parties.

3.3 Anti-Defection Law: When can the Legislators be Disqualified?

This section describes the circumstances under which a legislator can be disqualified as per the provisions of the law. Paragraph 2(1)(a) of the Tenth Schedule defines ‘defection’ as “voluntarily giving up the membership of a political party” (Sen, 2021, p. 21). Further, the definition of defection was expanded in the Supreme Court’s verdict in *Ravi S Naik Vs State of Maharashtra (1994)*. The Court said that the grounds for defection should not be limited to “voluntary giving up of membership”, — not be restricted to the formal acts of resignation from the party alone. But it should also be based on the member’s behaviour as to whether his actions would, in the eyes of the Speaker, amount to anti-party activities¹⁰⁰ (Sen, 2021, p. 21).

In this case, it was stated that even in the absence of a formal resignation, an inference could be drawn from a member’s conduct that he has voluntarily given up his membership of the party to which he belongs. The Supreme Court reiterated this in *G. Vishwanathan, Vs the Honorable Speaker, Tamil Nadu Legislative Assembly Case (1996)*, and *Rajendra Singh Rana Vs. Swami Prasad Maurya Case (2007)*. Hence, the definition of defection has a broader connotation. For instance, even if the legislator participates in the rival party’s meetings or rallies, it will be considered defection. Since defections take place unabated even with the law, it is essential to spell out the important provisions of the law.

According to section 2, if the members are involved in the following acts, they can be disqualified. One, according to section 2(1) (a), the members of Parliament or the state legislature

¹⁰⁰ For instance, based on this wider definition of defection on 5th December, 2017, two prominent leaders of JD(U) in Bihar, Sharad Yadav and Ali Anwar Ansari were disqualified from Rajya Sabha membership by Chairman of the house, Venkaiah Naidu for criticising the JD(U) in public platforms and for attending rallies organised by opposition parties (Madhya Pradesh crisis, 2020).

would be disqualified if s/he voluntarily gave up the party membership (GoI, 1985). Two, according to section 2(1) (b), if the members, while voting in the house, act contrary to the whip issued by his/her party or abstains from voting without taking prior permission and if the party does not excuse the action within 15 days from voting, they can be disqualified (GoI, 1985).

Three, if a member who had won as an independent candidate later formally joins any political party¹⁰¹ (Sachdeva, 1989, p.161). Interestingly, the draft bill disqualified legislators who were expelled from the political parties. However, this provision was removed as the members of the opposition parties expressed their displeasure over it. They noted that this provision would result in ‘party despotism’. According to this law, an expelled member is considered unattached and continues to hold his seat.

However, in *G. Vishwanathan, Vs the Honorable Speaker, Tamil Nadu Legislative Assembly Case (1996)*, the Supreme Court ruled that an expelled member is bound to follow the party whip during a floor test. Otherwise, he would be disqualified (Sachdeva, 1989). Four, if a nominated member of the house joins any political party after the expiry of six months from the day he took his seat (GoI, 1985). As per the provisions of the law, the above-discussed individual defections/retail defections can lead to disqualification.

Nevertheless, until the 91st Constitutional Amendment Act, group defections/wholesale defections, in the name of ‘split’ in the original legislative party, were allowed (Gehlot, 1991, p. 327). Section 3 of the law stated that if a member belonged to a faction that at least had the support of 1/3rd of members of his original legislative party, such members were exempted from disqualification. Similarly, section 4 notes that if 2/3rd the members of a party merge with another legislative party, such members will not be disqualified (Bhushan, 1997). The reason behind the exemption of group defections was that a critical mass would switch not because of monetary or office benefits but as a result of policy or ideological differences (M. Tewari, 2016).

Nonetheless, it is difficult to say that group defections are for a policy or ideological differences because we are witnessing several MLAs switching together to achieve their individual

¹⁰¹ The Chavan Committee had not recommended disqualifying the independents. However, as per the 1985 Act independent candidates can be disqualified (C. Roy, 2021b).

goals collectively¹⁰². The exemption of group defections allowed legislators to defect without penalty if they switched with their co-partisans. Surprisingly, defections increased after the introduction of the law, which made three commissions of inquiry between 1990 and 2002 to recommend reform of the law¹⁰³. Based on the recommendations of these commissions, the BJP - the party that had lost power in the 13th Lok Sabha due to defections, tried to reform the law (Nikolenyi, 2021, p. 12).

In this regard, the National Democratic Alliance (NDA) government, under prime minister Atal Bihari Vajpayee, amended the anti-defection law in 2003 with the 91st Constitutional Amendment Act (Manve, 2014; M. Tewari, 2016). This Amendment came into force in January 2004. The revised law omitted the provision of split by 1/3rd members, which was exempted from defection. However, allowing 2/3rd members to merge with the existing party or create a new party continued. Many criticised the Amendment as merely raising the bar for wholesale defections from one-third to two-third (Manve, 2014; M. Tewari, 2016).

Some of the significant changes that this Amendment brought are as follows. First, if one-third of elected members of a political party defected, it was considered a merger and was exempted from disqualification; with this Amendment, the threshold for the merger was increased from one-third to two-thirds (Manve, 2014). Second, it makes it mandatory for all those switching political sides, whether singly or in groups, to resign their legislative membership except when it is a merger (Moily, 2010). Third, this Amendment added that those disqualified under paragraph (2) of the Tenth Schedule shall also be disqualified from being appointed as ministers. This disqualification applies until the term for which they are disqualified or until the member is elected to the Parliament or the state legislature (Malhotra, 2005, p. 10).

Four, before this Amendment, there was no limit on the number of ministers in the government. The governing parties used this loophole to induce defections by offering ministerial positions¹⁰⁴. Through this Amendment, the size of the Council of Ministers was fixed to be not

¹⁰² Group defections and the aftermath in Karnataka and Goa in 2019, and in Madhya Pradesh in 2020, indicated that they were not for any policy difference but to meet their personal benefits.

¹⁰³ The three commissions are-Commission on Electoral Reforms-1990, The Law Commission-170th Report in 1999, National Commission for the Review of the Constitution- 2002.

¹⁰⁴ For instance, in 2003, Chief Minister of U.P, Mulayam Singh Yadav, had expanded his ministry's strength to 98.

more than 15 percent of the Lok Sabha or the State Legislature¹⁰⁵ (Guruswamy, 2004). Although the law tried to reduce the number of defections by bringing a ceiling on the number of ministers, even in recent times, we see that inducing defections with the promise of ministries to the legislators is common¹⁰⁶.

Section 5 exempts the speaker, deputy speaker, chairman, and deputy chairman of the house from disqualification if they resign from their party before taking up their office and re-join their original party once they cease to hold their office (Bhushan, 1997). Section 6 of the law states that the petitions on disqualification on the grounds of defection are referred to the chairman or the Speaker of the House (Prakash, 2016). Nevertheless, the speaker can take up the case only when he receives a petition against defection from a member of the house. The speaker's decision is final in this regard. However, he must give the member a chance to explain (Korada, 2016).

Time and again concerning the speaker's power to decide on defection, it has been highlighted that the speakers' both at the parliament and the state legislatures, in most cases, have exhibited partisan nature in deciding the petitions on defections. The speaker's partisan nature was raised in the *Kihoto Hollohan case (1992)*. This case was regarding whether the Speaker's role in deciding defections violated the Constitution's basic structure. In its majority judgement, the Supreme Court upheld the discretionary power of the Speaker in deciding on defections and the constitutional validity of the Act (Marathe, 2019). However, in this case, the Court ruled that the Speaker's role regarding defections will be under the Court's judicial review power. This gave the members the right to move to the Courts in case of the Speaker's 'perverse' or 'mala fide' decision (Prakash, 2016). The Supreme Court reiterated a similar opinion in *Shrimanth Balasaheb Patil Vs Honourable Speaker, Karnataka Legislative Assembly Case (2019)*.

After the ceiling on the number of ministers, unsurprisingly, the parties have found new ways to accommodate the legislators. The defectors are appointed as the chairpersons of various government boards or are given significant legislative roles, such as speaker, deputy speakers, or party whips. Otherwise, they are also offered higher positions within the political party. In addition

¹⁰⁵ However, the total number of ministers shall not be less than twelve in smaller states.

¹⁰⁶ Here, a statement made by B.S Yediyurappa before the 2019 bye-polls in Karnataka can be recollected. He said that all those defectors who helped him to form the government will be made ministers.

to the office, it is established that the defectors are given monetary benefits. Though anti-defection law tries to curtail defections, the parties and the legislators have always used different ways to avoid the ordeals of the law.

Among the scholars, there are two different views regarding the present form of anti-defection law in India. Some favour scrapping the law altogether (see Menon, 2021; Singhvi, 2020; Madhavan, 2021), and the law has been criticised as a toothless tiger, a law with zero success; the law has caused more damage to the legislative institutions and has failed to meet its desired objective. In contrast, others favour modifying the law and introducing more stringent punishments (M. Tewari, 2016¹⁰⁷; C. Roy 2019,¹⁰⁸ ; Sawant, 2020¹⁰⁹). The following section looks at the various aspects on which the law is criticised.

3. 4 Criticisms Against the Law by Academicians, Constitutional Experts, and Politicians

The anti-defection law has been subjected to extensive debate and controversy since its inception. In its 37 years of existence, the law has seen several litigations in the higher judiciary, i.e., High Courts and the Supreme Court (Kumar, 2017). There are numerous aspects on which the anti-defection law is criticised. The major criticisms against the law are as follows.

3.4.1 Curtails Free Exchange of Ideas, Debate, and Dissent

Khanna and Shah (2012) have examined the impact of anti-defection law on the free speech rights of legislators. They argue that due to the provision of disqualification for defying the party whip, the legislators cannot exhibit their dissent. This has limited the discussion before passing the bills and has suppressed the vital aspect of parliamentary democracy. Similarly, Gehlot (1991) notes that the law gives unlimited powers to party leaders to issue arbitrary whips. Hence, it curtails the free speech rights of the legislators. In this regard, T. Roy (2018) notes that in several cases, legislators oppose a bill during their speeches in the house, but when the bill is put for voting, the members vote according to the party line to abide by the party whip. The legislators follow the

¹⁰⁷ Manish Tewari is a Lawyer and former Union Minister from the Congress Party.

¹⁰⁸ Chakshu Roy is a head of outreach PRS Legislative Research.

¹⁰⁹ PB Sawant is a former Supreme Court Judge. He recommended that the defectors should resign and re-contest.

party whip as its violation can disqualify them. Hence, vote according to their party position instead of their conscience.

In contrast, in countries like the UK, where the parliamentary system originated and based on which India has modelled its system, the political parties do not issue whips, even on important issues. For instance, the parties did not issue whips on matters like whether the UK should support the USA in the Iraq war, recently on Brexit¹¹⁰, and the imposition of strict lockdown to contain the spread of COVID-19¹¹¹ (Tharoor, 2019; C. Roy, 2021 a). It is noted that even in the US, there are several occasions where the MPs have voted against their government or party¹¹² (Madhya Pradesh crisis, 2020).

Furthermore, Tharoor (2019) highlights that the absence of restrictions to expressing their opinion allows the MPs to express themselves freely and honestly in the UK. He adds that since 1985, MPs have not enjoyed this freedom in India. Similarly, Sanyal (2014, p. 46) points out that while the Act intended to curb defections and bring stability to the government, the unintended consequence has hindered legislators from voting based on their conscience if a party whip is issued on the matter. In the *Kihoto Hollohan Case (1992)*, the issue that the anti-defection law violates legislators' right to free speech under articles 105 and 194 of the Constitution was raised. Nevertheless, the majority judgement held that to curtail defections, there could be reasonable restrictions on legislators' freedom of speech (Kumar, 2019).

On the aspect of issuing whips, the Dinesh Goswami Committee¹¹³ recommended that the disqualification provision for violating party whip should be used only on votes which affect the stability of government, like the vote of confidence, a money bill, and a motion on a vote of thanks to the President's address (Venkatesan, 1997; T. Roy, 2018). In this regard, Manish Tewari introduced a private member bill titled 'Constitution Amendment 2010'. This bill intended to amend some of the provisions in the Tenth Schedule (M. Tewari, 2016). This bill suggested that whips should be issued only on those legislative items threatening the government's stability¹¹⁴.

¹¹⁰ In Britain 21 MPs of Conservative Party voted against Johnson's government on Brexit (Daniyal, 2020a).

¹¹¹ 55 MLAs of the ruling party in England voted against the government (C. Roy, 2021a).

¹¹² For instance, recently, three Democrats voted against Donald Trump's Impeachment (Madhya Pradesh crisis, 2020).

¹¹³ The Committee was appointed by the V.P. Singh's government in 1990, to suggest Electoral Reforms.

¹¹⁴ The bill intended that whips should be introduced only on the no-confidence motion, adjournment motion, money, or financial bill.

However, the bill lapsed without even proper discussion. He noted that this small change in the bill would liberate the legislator as he would be free to vote according to his conscience (M. Tewari, 2016).

3.4.2 It Restricts the Legislators but Spares the Political Parties

The law punishes the individual legislators for leaving the party from which they were elected to join another party for monetary or office benefits. However, it is criticised that though the law tries to prevent the give-and-take behaviour at the individual level, it is silent when it comes to post-poll negotiations between parties on the number of cabinet berths in exchange for their support (Madhya Pradesh crisis, 2020; C. Roy, 2020). Further, there is no action on the political parties that encourage and accept the defectors (C. Roy, 2021c). Here, it is underlined that the political parties are the drivers of defections and destabilising the elected governments. Besides, the law does not take any measure to strengthen internal democracy within the political parties. Therefore, this legislation does not strengthen the party structure in India (Gehlot, 1991).

3.4.3 Limits the Number of Bills that the Legislators Read

Tharoor (2019) notes that legislators would read only those bills on which they are asked to speak by the party due to the anti-defection law. Since there is no scope to have an opinion that is different from that of their party, many MPs do not take the trouble to study the bills in detail because the views of an MP do not matter when there is a party whip (Tharoor, 2019). As mentioned earlier, the legislators can be disqualified from the house, if they fail to follow the party whip.

Conversely, in countries like the UK and Australia, if MPs vote against the party whip, they lose their cabinet berth but are not forced to resign their seats. These countries have the concept of a 'Free Vote' where the members can vote according to their principles and conscience (Madhya Pradesh crisis, 2020). In sharp contrast, there is an opinion that ensuring party discipline by using whips is necessary, mainly to prevent the sale and purchase of individual votes on crucial legislation.

3.4.4 Weakens Accountability and the Fundamentals of Democracy

In a representative democracy, an elected representative is accountable to the voters during his bid for the next elections. But this law weakens accountability as the representatives can justify that they acted in the legislature in a manner that the party asked them to act. The legislator may claim they did not enjoy the freedom to act independently (T. Roy, 2018). Thereby, the provision of citizens holding their representatives accountable gets defeated. Besides, the law weakens the bond between the representative (legislator) and the represented (voter). It also undermines the legislative control on the executive as the legislators are forced to act as per the orders of the party high command (Daniyal, 2020a).

3.4.5 Suppression of Debate Within the Political Party

Sanyal (2014) notes that the law curbs the legislators' freedom of speech and expression by limiting dissent against party politics (p. 55). On this issue, the Rajasthan High Court, in the case of *Speaker of Rajasthan Legislative Assembly Vs. Prithviraj Meena (2020)* raised the question of whether the law violates inner-party democracy. Because of this law, even a small difference from the party's standpoint can be seen as 'voluntarily giving up membership' (Sen, 2021). In this regard, Sanyal (2014) notes that 'the challenge is to allow individual MPs to express their opinions while remaining within the basic contours of the party's ideology' (p. 61).

3.4.6 Restricts the Legislators to Act as 'Politicos' Instead of Trustees or Delegates

In the popular discourse, there has been debate on the nature of representation style; whether representatives should act as 'trustees', 'delegates', or 'partisans'. Political thinkers like Edmund Burke favoured the 'trustee' style of representation in which the representatives act based on 'their own conscience' of what is good for their constituents (Jayal, 2016). Conversely, James Madison advocated the 'delegate' style, where representatives would act based on the constituents' consent (Vieira & Runciman, 2008). Under the 'partisan style', the representatives would act according to the orders/ directions issued by their party by following the party line (Méndez-Lago & Martínez, 2002).

In India, due to anti-defection law and the provision for a party whip, one can assume that most of the representatives would follow the 'partisan' style of representation, where

representatives will act as politicians. This is because the provision for party whip discourages the representatives from acting either as ‘trustees’ or as ‘delegates’. After all, violation of the party whip would result in the disqualification of legislators. Therefore, the legislators are forced to obey party’s orders due to this law.

3.4.7 Can Make the Electoral Process Inefficient

In a recent study Guruvayurappan (2021, pp. 6-8) argues that the anti-defection law affects legislators and voters. He argues that due to the party whip, there is absence of consensus-building and consultation among the legislators and their political parties. He explains that the anti-defections laws might increase the defections instead of curbing them. He provides that with the option of whips, the legislators are forced to support the policies offered by their party. However, when the legislators realise that the policy choice of their constituents is far different from that of their party, they would switch.

He further shows that the law limits the choices available to the voters. He argues that political parties, to secure more votes, would move away from development-oriented policies and adopt populist programmes (Guruvayurappan, 2021, pp. 6-8). He suggests that the parties might use identities like religion, caste, nationalism, and other aspects of broader reach. Since all parties prioritise populist programmes over developmental programmes voters are left with limited choices.

This section highlighted the key criticisms against the law—curtails the free exchange of ideas, restricts the legislators but spares the parties, limits the bills that the legislators read, weakens accountability, forces the legislators to act as politicians, limits what the candidates can offer to the voters. Given these criticisms we can argue that though the law intends to bring political stability, in its present form, it can achieve the desired results at the cost of imposing several restrictions on the legislators. Hence, like in most European countries and in the USA where the parties have considered the necessity to ensure various rights and freedoms to the individual legislators, in India, we need to design a mechanism that reduces the restrictions on the individual legislators in the name of curbing defections. In addition, to the above criticisms, there are several loopholes in the law that the politicians and the parties use to circumvent the law.

3.5 Loopholes in the Anti-Defection Law

The legislators and political parties have used numerous loopholes to escape disqualification under the anti-defection law. The following section highlights some of the commonly used/misused loopholes of the law.

3.5.1 Adjudicatory Power to Speaker

As per the provisions of the law, the Speaker or the Chairman is the sole *persona designate* to decide on defections, and his decision is final (Manve, 2014). However, it must be noted that Speakers, both at the parliament and state legislatures in most cases, have exhibited partisan nature while deciding on defection petitions. Unlike in the UK, Speakers in India do not resign to their party membership after taking charge as Speakers¹¹⁵. Thereby, they would continue to exhibit partisan behaviour towards their party because most of the Speakers belong to the ruling party¹¹⁶.

For the first time, the case against the Speaker's partisan nature was brought up in the *Kihoto Hollohan case* (1992). This case was on whether the Speaker's role violated the Constitution's basic structure. Nonetheless, in its majority judgement, the Supreme Court upheld the discretionary power of the Speaker and the Constitutional validity of the law (Marathe, 2018). The earliest case of the Speaker's partisan nature was raised when Keshari Nath Tripathi of the BJP, did not disqualify 15 MLAs who switched from the Bahujan Samaj Party (BSP) to the BJP in 1997 in Uttar Pradesh (Chaturvedi, 2018).

3.5.2 No Time Limit for the Speaker to Decide on Defections

The law does not specify the time the Speaker can take to decide on the defection petitions. It is observed that the duration of time taken to decide on defections depends on whether the defection is to the ruling party or the opposition party. Generally, the Speaker does not act quickly if the defection is to the ruling party. In most cases, they do not act up to two or three years after defection

¹¹⁵ Neelam Sanjiv Reddy is the only Speaker of Lok Sabha who submitted resignation to his party after being appointed as Speaker (<http://speakerloksabha.nic.in/former/Nsanjivareddy.asp>).

¹¹⁶ In India Speakers generally come from the ruling parties though there are some exceptions like Balayogi and Manohar Gajanan Joshi who were from the TDP and Shiv Sena respectively under the NDA rule. Similarly, Somnath Chatterjee of the UPA-1 belonged to the CPI. However, these three Speakers were either from alliance partners or supported the government from outside. See Rajya Sabha T.V debates, 18 June 2019, (https://www.youtube.com/watch?v=qZ5l31_N1hQ).

and instead take a prolonged time to decide the cases of defections. Conversely, when the defections are from the ruling party to the opposition parties, they act within a few days of defection.

In this regard, Desouza (2001), in his study, has shown that the time taken by the Speaker to decide on disqualification petitions has varied from as short as four days to as long as two and half years. He further notes that the delay is more than one year in most cases, and the delay is primarily to assist the ruling party (Desouza, 2001). Various states have seen a similar trend in the past decade (see Table 3.1).

Table 3.1
Time Taken by Speakers to Decide Defection Petitions (2014-2021)

Sl. No	State	Year	Speaker/Chairman	Direction of Switch	Time Taken	Major Issue
1	Telangana	2014	S. Madhusudhana Chary	Ruling Party	4 Years	Delayed deciding on defection petition until Court's order ¹¹⁷
2	Andhra Pradesh	2014	Kodala Siva Prasada Rao		4 Years	
3	Manipur	2017	Khemchand Singh		3 Years	
4	West Bengal	2021	Biman Banerjee		5 Months	
5	Punjab	2021	Rana K P Singh		4 Months	Delayed deciding on defection petition
6	Telangana	2019	K. Swamy Goud	Opposition Party	Few days	Disqualified the defectors within a short time
7	Tamil Nadu	2017	P. Dhanapal		1 Month	
8	Karnataka	2019	K. R. Ramesh Kumar		1 Month	

Source: Created by the researcher based on Kumar (2017), V. Reddy (2015), C. Roy (2021c), and, (Action against rebel MLAs, 2021).

Table 3.1 presents that speakers delay on defection petition whenever the move is towards the ruling party. In contrast, they act quickly when the shift is to the opposition parties. The speakers take different times to act mainly because the anti-defection law does not mention the time limit to act on defection petitions. Therefore, the speakers take advantage of this loophole and

¹¹⁷ The Court's order here means the orders issued by High Courts of respective states or the Supreme Court of India.

work in a partisan style. Delaying the defection petitions helps in two ways. First, it makes the defectors show their loyalty to the new party because disloyalty results in their disqualification. Two, it prevents the courts from interfering in defection cases until the speaker decides. The Speakers use the absence of a time limit to their advantage to serve the interest of their party.

3.5.3 Partisan Nature of the Speakers in Deciding Splits

In addition to the time taken in deciding on the defection petitions, the Speakers have taken different stands on whether a split or merger must happen at once or is a continuous process. For instance, the Speaker of Lok Sabha, Rabi Ray (1989-1991), disqualified all those who joined the splinter group gradually (not at once) because he said a split was a one-time event (Venkatesan, 2001). In contrast, his successor Shivraj Patel ruled that a split was a continuous process, thereby not disqualifying those who left Janata Dal at different times in 1992-93 (Venkatesan, 2001). As the law does not clarify whether a split should be seen as a one-time or a continuous event. Hence, speakers act according to their will.

As noted earlier, after the 91st Constitutional Amendment, the provision of the split is removed; however, the Speakers continue to act in the same manner concerning mergers. For instance, in the case of Telangana, after the 2018 assembly elections, the Congress party MLAs switched in small groups of twos or threes into the TRS. Here, the speaker waited until the numbers were 2/3rd and accepted defections as a merger (Telangana: 12 Congress MLAs join ruling party, 2019).

From the above discussion, we have seen that speakers exhibit their partisan attitude by taking prolonged time or acting instantly depending on whether the move is to the government or the opposition. Criticising the biased nature of the Speaker, former Supreme Court Judge Prashant Bhushan and former Election Commissioner Dr. Manohar Singh Gill have opined that the reason for the failure of the law is not the provisions of the law but the partisan attitude of the implementing agency (Bhushan, 1991, Venkateshan, 2001). They have proposed that the law would be effective only when the power to decide on defections is shifted from the Speaker to an independent authority like the Election Commission (Venkateshan, 2001).

3.5.4 Speakers Biased Decision on Disqualification Petitions

As previously mentioned, the partisan nature of the speaker is one of the major loopholes in the anti-defection law in India. From the inception of this law, speakers have acted in ways that would help the party in power regarding their decision on defection petitions and mergers.

This section highlights how speakers show their partisan attitude in deciding defection petitions. Between 2014 and 2021, 74 MLAs were disqualified across various states. Of these, 58, i.e., 78% of disqualified MLAs, switched from the ruling party to join the opposition party or start a new party. The most notable cases here are speaker, P. Dhanapal of the Tamil Nadu assembly disqualifying 18 dissident AIADMK MLAs in 2018. Likewise, Karnataka assembly speaker K R Ramesh Kumar disqualified 17 Congress-JD (S) MLAs in July 2019. In contrast, only 11, i.e., 15% of MLAs who joined from opposition to the ruling, were disqualified. The other four MLAs who were disqualified had joined from one opposition to another opposition and started a new party.

Surprisingly, of the 11 MLAs, eight were from Manipur. It must be recalled that the speaker of the Manipur assembly disqualified these eight MLAs only after the Supreme Court's order to the Speaker to act quickly on the defection petitions. The other three MLAs disqualified for joining the ruling party were one from Uttarakhand and two from Haryana. In total, 64 MLAs were not disqualified despite the MLAs switching in the early or middle of the legislative term. These 64 defections were individual defections and not mergers. Of these, 57 MLAs had defected from the opposition party to the ruling party in the state. In addition, two independent MLAs had defected to the ruling party in the state. In total, 59 MLAs, i.e., 92% of MLAs who were not disqualified, joined the ruling party. This indicates that the speaker of the legislative assemblies, being a party functionary, acts partisan.

Table 3.2
Ways in which the MLAs Escape Disqualification

Sl. No	Switching by MLAs	Number of MLAs
1	MLAs switched at the end-term	272
2	MLAs switched parties through mergers	144
3	MLAs resigned & switched	109
4	MLAs not disqualified as the speaker did not act	64
5	MLAs who were suspended & remained unattached	6
	Total	599

Source: Based on the data compiled by the researcher.

3.5.5 Exemption of Group Switching: Mergers as Means for Defections

The most criticised provision of the law is the exemption of split of 1/3rd members and the mergers. Allowing group defections and punishing individual defections is criticised¹¹⁸. With the enforcement of anti-defection law, defections through splits and mergers continued to destabilise the elected government. On the issue of the split, the Dinesh Goswami Committee on Electoral Reforms¹¹⁹ (1990), the Law Commission in its report 170th on Reform of Electoral Laws (1999), and the National Commission to Review the Working of the Constitution¹²⁰ (NCRWC) (2002) all recommended the deletion of exemption of a split (Rajagopal, 2008).

On mergers, Madhu Limaye, a constitutional expert, noted that the law had stopped retail defections but legalised wholesale defections (Ansari, 1995). Correspondingly, Malhotra (2005) finds that between 1985 and 2005, there were 22 claims for splits in Lok Sabha, of which all splits were recognised except for two splits. Besides, there were thirteen claims for mergers, of which, except for one, all were recognised. Likewise, there were ten splits and thirteen mergers in the

¹¹⁸ The question is on what basis group defections are considered as principled defections and individual defections are considered as opportunistic, thereby are morally wrong.

¹¹⁹ It was headed by the then Law Minister, Dinesh Goswami, under V.P Singh's government. The Committee included eleven other members.

¹²⁰ The NCRWC was set up in 2000 through a government resolution by the NDA government under former Chief Justice of India, M.N Venkatachaliah and ten other members.

Rajya Sabha in the same period, and all were recognised (Ansari, 1995). Similarly, there were 68 splits and 81 cases of mergers in state legislatures, and all splits and mergers were allowed.

Table 3.3
Mergers of Political Parties in Lok Sabha (1985–2005)

Sl. No	Year of Merger	Party Sought Merger	Merged into	Ruling Party at the Centre	Number of MPs Merged
1	1987	Congress (S)	Congress (I)	Congress (I)	02 out of 02
2	1989	Janata Party	Janata Dal	Led by Janata Dal	02 out of 02
3	1992	Shiv Sena (B)	Congress (I)	Congress (I)	02 out of 02
4	1992	Telugu Desam (V)	Congress (I)	Congress (I)	07 out of 07
5	1993	Jan Dal	Congress (I)	Congress (I)	10 out 20
6	1992	Nagaland People's Council (Progressive)	Congress (I)	Congress (I)	Lone Member
7	1992	JD(G)	Congress (I)	Congress (I)	Lone Member
8	1993	Haryana Vikas Party	Congress (I)	Congress (I)	Lone Member
9	1996	Madhya Pradesh Vikas Congress	INC	Congress (I)	Lone Member
10	1996	Karnataka Congress Party	INC	Congress (I)	Lone Member
11	2002	Manipur State Congress Party	BJP	BJP led government	Lone Member
12	2002	MGR (ADMK)	BJP	BJP led government	Lone Member

Source: Created by the researcher based on Malhotra, 2005

Table 3.3 and 3.4 illustrate that mergers were always for the ruling party's advantage. Table 3.3, provides that the mergers in the Lok Sabha were mainly to the ruling party of the time. From 1985 to 2005, the Congress party benefited the most from defections through mergers. Likewise, under the Janata Dal government in 1989, the Janata party was merged into Janata Dal. Similarly, when BJP headed the coalition government from 1999 to 2004, two MPs merged into the BJP. In addition to mergers in Lok Sabha, there were 81 mergers between 1985 and 2005 in state

legislatures (see Appendix. 4 for state-wise political parties that sought merger and the parties that they were merged into).

Table 3.4
Direction of Merger of Political Parties in States (1985-2005)

Sl. No	Political Parties Merged with	Number of Mergers
1	Party in power at the state	30(37) *
2	Party in power at the centre	05(06)
3	Party in power both at centre and states	18(22)
4	Party not in power either at state or at centre	28(34)
	Total	81

Source: Created by the researcher based on Malhotra 2005 and Election Commission Reports.

Note: *Numbers in the parenthesis indicate the percentage of parties merged.

Table 3.4 displays that the highest number of mergers were to the ruling party in the state. In addition, when the party in power at the centre and in the states are the same, nearly 22% of mergers were to that party. We can argue that the direction of mergers is mostly to the ruling party in the state. Unsurprisingly, the same trend continues even in the fourth-party system see Table 3.5.

Table 3. 5
Direction of Mergers of Political Parties in States (2014 –2021)

Sl. No	State	Party Merged	Merged into	Ruling Party in Centre	Ruling Party in State	No. of MLAs Merged	Date of Merger
1	Arunachal Pradesh	JD(U)	BJP	BJP	BJP	06 out of 07	25/12/2020
		INC	PPA	BJP	APP	43 out of 44	16/09/2016
2	Goa	INC	BJP	BJP	BJP	10 out of 15	10/07/2019
		MAG	BJP	BJP	BJP	02 out of 03	27/03/2019
3	Haryana	HJC	INC	BJP	BJP	02 out of 02	29/04/2016
4	Himachal Pradesh	HLP	BJP	BJP	INC	01 out of 01	14/08/2016
5	Jharkhand	JVM(P)	BJP	BJP	BJP	06 out of 08	11/02/2015
		NSAM	BJP	BJP	JMM	01 out of 01	23/10/2019
6	Karnataka	KJP	BJP	BJP	INC	08 out of 08	09/01/2014
		BSRC	BJP	BJP	INC	03 out of 04	02/11/2017
7	Nagaland	NCP	BJP	BJP	NPF	03 out of 04	17/06/2014
8	Rajasthan	NPEPT	BJP	BJP	BJP	03 out of 04	11/03/2018
		NUZP	INC	BJP	INC	01 out of 02	19/05/2018
		BSP	INC	BJP	INC	06 out of 06	28/09/2019
9	Sikkim	SDF	BJP	BJP	SDF	10 out of 13	13/08/2019
		SDF	SKM	BJP	SDF	02 out of 03	14/08/2019
10	Tamil Nadu	DMDK	MDMK	BJP	AIADMK	03 out of 03	05/04/2016
11	Telangana	BSP	TRS	BJP	TRS	02 out of 02	02/06/2014
		TDP	TRS	BJP	TRS	12 out of 15	11/03/2016
		YSRCP	TRS	BJP	TRS	03 out of 03	07/05/2016
		INC	TRS	BJP	TRS	12 out of 18	06/06/2019
		TDP	TRS	BJP	TRS	02 out of 02	07/04/2021
12	Tripura	INC	AITC*	BJP	CPI	06 out of 10	07/07/2016
		AITC	BJP	BJP	CPI	06 out of 10	10/12/2017
	Total	144					

Source: Created by the researcher based on various newspaper reports on defections from 2014-2021 for all states.

Note: *The six MLAs who switched from Congress to AITC in July 2016 switched to BJP in December 2017. Therefore, the merger with the BJP is considered.

Table 3.5 illustrates that, like mergers in Lok Sabha and state legislatures (1985 to 2005), most mergers in the state legislatures in the fourth-party system are to the ruling party in the state, except for Sikkim and Arunachal Pradesh. In Sikkim, the merger was from one opposition party to the other opposition. In Arunachal Pradesh, it was from the ruling party to the opposition party.

The Congress party was merged with the People's Party of Arunachal (PPA) in Arunachal Pradesh when PPA had not received a single seat in the assembly. However, PPA was in alliance with the BJP, later, all those who switched to the PPA joined the BJP.

As Table 3.5 presents, the BJP- the party in power at the centre, benefited the most with 77 MLAs¹²¹ merging into the party. It has been observed from the data collected by the researcher that the merger of political parties is more common in smaller states and among those parties whose total strength in the assembly is low. The number of members required to constitute 2/3rd is less in smaller states and when the strength of the political party in the assembly is low.

Noticing defections in the form of mergers, in 1999 itself, the Law Commission report recommended that mergers should not be exempted from disqualifications. However, they continue to be exempted. C. Roy (2020) argues that though the law imposes several punitive measures on individual legislators, it does not restrict group defections. Therefore, it is argued that by having 2/3rd numbers, defectors are changing the power relationship between the legislative political parties. Kashyap (1993) argues that the motivations behind splits and mergers are not very different from the motivations behind individual defections.

In the fourth phase, between 2014 to 2021, nearly 144 MLAs defected using the exemption of mergers, and the majority of the mergers, i.e., 115 MLAs, merged during the early and mid-term of the legislative cycle. In addition, 108 MLAs merged from the opposition to the ruling party, and 23 MLAs merged from the ruling to the opposition to form the government. In total, 75% of the mergers were to the ruling party. The remaining 25% of the mergers were from one opposition to another opposition, ruling to the opposition, ruling to start up. The extent of changes these mergers brought to the legislative parties is severe.

3.5.6 Resignation: A New Strategy to Circumvent the Law

Table 3.2 shows that nearly 109 MLAs resigned during the legislative term to join other parties. This is a new trend where the MLAs resign their membership of the house to avoid being disqualified from the anti-defection law. This strategy was widely used for the first time in 2008

¹²¹ It includes the merger of the PPA MLAs into the BJP in Arunachal Pradesh.

in Karnataka, well known as ‘*Operation Kamala*’. This new strategy has been used by the parties repeatedly in different states.

Out of the 109 MLAs who resigned to join other parties, 75 MLAs switched from opposition to the ruling or ruling to opposition to topple and form a new government. As resignations before the completion of the term results in by-polls, it is a burden on the taxpayers. In this backdrop, there is a suggestion that the MLAs who resigned to join another party should bear the expenses. Out of 109 MLAs who resigned to join other parties, 81 defectors contested in the subsequent elections. In this, 58 defected MLAs won, and 23 lost. This indicates that most MLAs who resign and contest by-polls win in the subsequent elections. This is because most of these defected MLAs join the ruling party, and it is well-known that most voters wish to see their legislators in the ruling party. Being with the government assists the legislators in receiving more funds from the constituency than being in the opposition party.

3.5.7 Not Forbidding Defectors from Subsequent Contest

Periodically, it has been discussed whether legislators’ disqualification is up to the end of the term of legislature or until they are re-elected. In the *G. Vishwanathan, Vs the Honorable Speaker, Tamil Nadu Legislative Assembly Case (1996)* and *Shrimanth Balasaheb Patil Vs Honourable Speaker, Karnataka Legislative Assembly (2019)*, the Supreme Court has reiterated that the disqualified legislators under the law can contest the by-polls. Thereby, legislators being sure they can re-contest from a new party, switch parties to meet their personal motives.

Since the legislators are assured, they will receive tickets to contest in the subsequent elections by their new party, the legislators resign to their seats¹²². Thereby, it is suggested that the defectors should be barred from contesting in by-polls. Because the by-polls provide very little time for the opposition candidates to mobilise an effective election campaign, the defectors appointed as ministers would have an advantage over other candidates.

¹²² Legislators resign either individually, or small groups (for example, Gujarat, Manipur), or large numbers T.N (18 MLAs), Karnataka (17 MLAs), M.P (22 MLAs).

3.5.8 Governors — Assist the Ruling Parties

Regularly, it is alleged that the Governors assist the party that they share their political allegiance in deciding on defections. In some cases, the Governors direct the Speaker of the assembly to conduct the floor test within 48 or 72 hours; this they do mostly to assist the defectors in toppling the government (Singhvi, 2020). For example, in the 2017¹²³ elections in Goa, the Congress party won the highest number of seats-17, and the BJP won 13 seats. Nevertheless, the anti-incumbency vote against the party was reversed when BJP quickly formed the government with the support of regional parties.

Likewise, in Manipur, Congress had secured 28 seats, and BJP had won 21 seats; Congress emerged as the largest party; however, the Governors of both these states¹²⁴ invited the BJP to form the government. Examples in the past as well show how Governors always acted as the agents of the central government. For instance, the Governor of Haryana, G.D Tapase, in 1982, instead of inviting the leader of coalition parties that had a majority, asked the leader of the Congress party and provided enough time for the party to prove its majority. A similar pattern was repeated in Himachal Pradesh in 1982 by the then Governor, A. N. Banerji (Kamath, 1985, p. 1042).

3.5.9 Biased Interpretation of Speakers on Mergers

Repeatedly, it is noted that there are legal problems in the way the Speakers consider what constitutes a merger. Achary (2019a), former secretary to the Lok Sabha, points out that according to Para (4) of the Tenth Schedule, a merger can be legally recognised only when the original party merges with another party before the legislators' merge and at least 2/3rd of the party members must agree for the merger. He further notes that in *Jagjit Singh vs the State of Haryana* (2006), the Supreme Court ruled that “in case a member is put up by a national party, then it is the split in that party which is relevant and not a split in that party at the state level” (Achary, 2019a).

He highlights that the interpretation of merger has been violated in several cases. He notes the case of Telangana, in 2019, Congress Party did not officially claim that it is merging with the TRS. Thereby, even if 2/3rd MLAs join other political parties claiming that it is a merger, he notes

¹²³ In the 2017 elections, many of the BJP ministers had lost the elections.

¹²⁴ Mridula Sinha was Governor of Goa in 2017 and Najma Heptulla was the Governor of Manipur in 2017. Both were appointed by the BJP government.

that it would not be legally invalid unless the parent party has merged (Achary, 2019 a). Further, in Telangana, the Telangana Pradesh Congress Committee (TPCC) does not have the power to merge. Instead, the merger must be by the All-India Congress Committee (AICC). Like Telangana, in Goa, 10 out of 15 Congress MLAs merged into BJP, but there was no evidence that the Congress Party had been merged. Regarding the merger of six BSP MLAs into Congress in Rajasthan in September 2019, former Lok Sabha secretary Subhash C. Kashyap expressed that it is the party that sets up the candidates which can merge when at least 2/3rd of its members agrees to the merger and not the party at the state level (Mandhani & Pandey, 2020).

There are two kinds of responses whenever the defectors use any loopholes. On the one hand, some scholars and Constitutional experts favour a complete ban on the law. In contrast, others favour amending the existing law. Highlighting the significant loopholes against the law—the partisan nature of the speakers, partisan behaviour of the governors, and use of resignations as a means to escape disqualification and the lack of restriction on the re-election of defectors, constitutional experts often argue for removing or banning the law altogether.

Unless adequate measures are taken to remedy these loopholes, the law will not be able to achieve its desired intention of ensuring political stability. In fact, the problem of defection might further increase. Against this backdrop, we often hear several suggestions from the Courts, Constitutional experts, academicians, and political analysts to overcome the law's loopholes. The following section discusses the various recommendations that are proposed to improve the law.

3. 6. Measures to Strengthen the Anti-Defection Law

3.6.1 Fixation of the Time Frame to Decide on Defections

The former Vice-President of India, Venkaiah Naidu, said that the Judiciary and Speakers of legislatures were unnecessarily delaying the decisions on defections, and they need to act in a “specific time frame” (Defection cases should be disposed, 2018). This was reiterated by the present Deputy Chairman of Rajya Sabha, Harivansh Narayan Singh (Madhya Pradesh crisis 2020).

In this regard, the Supreme Court, in the case of *Keisham Meghachandra Singh Vs the Hon’ble Speaker, Manipur Legislative Assembly (2020)*, has said that there should be three months

outer limit to decide cases of defections except in cases that need reasonable time to decide (Sen, 2021, p. 21). When the speaker of the Manipur assembly had failed to act on the defection petition filed against Shyamkumar for more than two and half years, the Supreme Court issued an order to the speaker to act within a month (Sen, 2021, p. 21). It is suggested that unless the law is amended to fix the time in which the speaker has to act, speakers would continue to misuse their adjudicatory power and would delay deciding disqualification petitions.

3.6.2 Speaker Should Not be the Adjudicatory Authority to Decide on Defections

Even the strong supporters of the law opine that the law should be amended so that the power to disqualify a member is not with the Speaker of the house. Instead, such power should be vested in non-partisan authority (Sanyal, 2014, p. 55). In the *Kihoto Hollohan Case* (1992) on the neutrality of the Speaker, Justice L.M Sharma and J.S Verma expressed their views that the anti-defection law was unconstitutional. In their view, the decision of the Speaker was not free from bias (Kumar, 2019).

It is often suggested that someone else should be given the power to decide on defections instead of the Speaker. In one instance, the Speaker of the Goa assembly had joined the defectors to become the next Chief Minister. The NCRWC, in its 2002 report and some of the constitutional experts, suggested that the power to disqualify the members on the grounds of defection should be given to the Election Commission of India instead of Speaker (Kumar, 2003; Mahapatra, 2020). The Dinesh Goswami Committee (1990) on electoral reforms and the Second Administrative Reforms Commission (2005), headed by M. Veerappa Moily, in its fifth report (Ethics in Governance) has recommended that the President or Governor should decide the issue of disqualification of members on the grounds of defection on the advice of the Election Commission (Moily, 2010; T. Roy, 2018). This recommendation has also been reinforced by the Election Commission.

Further in this line, in the recent case of *Keisham Meghachandra Singh Vs the Speaker, Manipur State Assembly* (2020), the Supreme Court asked the Parliament to re-examine the provisions of section 6 of the anti-defection Act. Further, the Court suggested establishing independent agencies to decide the disqualification of elected representatives instead of vesting

the power with the Speaker because the Speaker belongs to a political party (Ahmad & Anmolam, 2020).

3.6.3 Need for a Separate Tribunal

The Supreme Court viewed that Parliament should create a permanent tribunal to decide cases under the 10th Schedule, keeping in view the partisan nature of the Speaker (Mahapatra, 2020). In the case of *Keisham Meghachandra Singh vs the Speaker, Manipur State Assembly (2020)*, the Court said that Parliament should amend the Tenth Schedule and suggested establishing a permanent tribunal. The tribunal should be headed by a retired Supreme Court or High Court judge, or any other independent mechanism should be established. The Court opined that a separate tribunal is essential for a swift and impartial decision and to uphold the intent of the 10th Schedule (Ahmad & Anmolam, 2020).

3.6.4 Defectors Should Resign and Re-contest Afresh

Since elections in India are fought mostly based on the party, the candidates are bound by the programmes and policies of the party during their tenure. Therefore, legislators owe it to the party and the electorate to resign and contest elections afresh after switching parties (Sawant, 2020)¹²⁵. Otherwise, it leads to the betrayal of both the party and the electorate, which is against the concept of representative democracy. KP Unnikrishnan, five-time Lok Sabha MP and a former Union minister, reiterated a similar view. He had expressed that all political parties should agree not to take in defectors until they resign their seats. He said, “if a member wants to switch, he should be allowed, but he should not be allowed to hold any office until he fights election under a new symbol and legitimises his shift” (Ansari, 1995).

On similar lines, Jaya Prakash Narain had said the defectors should be compelled to return to the people (Kamath, 1985). It is proposed that even the legislators switching through mergers based on moral grounds should be disqualified because, in this case, the legislators have nothing to fear returning to the electorate (Kamath, 1985).

¹²⁵ P. B Sawant is a former judge of the Supreme Court and former Chairman, Press Council of India.

3.6.5 To Disqualify the Defectors Until the End of the Term

Often, it has been debated whether the legislators disqualified under anti-defection law are disqualified until the end of the term or only from holding the current elected office. In this regard, in an interview with The Hindu, former Chief Election Commissioner O. P Rawat, opined that as per the provisions of the law, disqualification is only from holding current office (Ramakrishnan, 2018).

In contrast, there are cases where the Speakers have disqualified the members until the end of the term. For instance, on 28th July 2018, Speaker of the Karnataka assembly K. R. Ramesh Kumar disqualified 17 MLAs of Congress and JD(S) until the end of the assembly term, i.e., until 2023 (D. Roy, 2019). However, the disqualified MLAs filed a petition in the Supreme Court regarding their right to contest in the by-polls.

In this regard, on 13th November 2019, the Supreme Court in *Shrimanth Balasaheb Patil vs Hon'ble Speaker, Karnataka Legislative Assembly, and others*, gave its verdict. Although the Court upheld the decision of the Speaker regarding the disqualification of the 17 MLAs, it struck down disqualification of MLAs until the end of the term of the assembly. The Court said they are disqualified only from their current elected office (D. Roy, 2019).

Further, the Court noted that ‘the Speaker, while exercising his power to disqualify, does not have the power to indicate the period for which the disqualified legislator be barred from contesting an election’ (D. Roy, 2019). Further, on this issue, a petitioner in Supreme Court has argued that since the phenomenon of elected legislators following the route of resigning and re-contesting from a new party has increased, the legislators switching parties should be barred from contesting in by-polls at least until the end of the term of the house (Mahapatra, 2021).

3.6.6 To Recover the By-Election Expenditure from Defectors

In Madhya Pradesh, Congress leader, Yogesh Guddu Chouhan moved the Jabalpur High Court seeking to recover the expenses incurred by the Election Commission of India (ECI) from the defected legislators in the constituencies where by-polls were caused due to defections¹²⁶. The

¹²⁶ In M.P between March to October 2020, 26 Congress MLAs resigned and joined the BJP following Jyotiraditya Madhavrao Scindia's switch to the BJP.

petitioner said it is a waste of taxpayers' money, and it costs nearly one crore for the ECI to conduct elections for a single assembly constituency (Choudhury, 2020). Thereby, the legislators switching parties should bear the expense of by-polls.

3.6.7 Barring the Defectors from taking Political Posts

As discussed in the first chapter, the literature on party switching points out that office is one of the three main motives behind switching. Appointing the defectors as ministers or assigning them committee positions can be seen in most countries. In India, from the 1960s till today, we have witnessed defectors being rewarded with ministerial positions in India. Singhvi (2020) notes that the defectors should not be allowed to hold the ministership or head of a corporation when they resign to join another party and when they are disqualified under the law for at least six months or one year. There should be strict law not to allow the defectors to become ministers when they are elected to the Rajya Sabha or Legislative Council of state.

In this context, an example of Karnataka needs a mention. In 2020, ten defected MLAs who won the by-polls were made ministers, and two of the defectors were accommodated in the legislative council and were made ministers. Interestingly, Yeddyurappa's government tried to appoint even the nominated member of the Legislative Council, H. A. Vishwanath (defector), as a minister. However, the High Court of Karnataka pronounced that he could not be appointed as a minister unless re-elected. The Court also noted that a nominated member is not considered elected. In this regard, lately, the Supreme Court issued a notice to the Centre and the Election Commission to examine if the defectors should get six years ban¹²⁷ (Thomas, 2021).

3.6.8 Removing Exemption on Mergers

The previous section showed that the number of defections due to mergers has been high in the past decade. This provision is increasingly used by smaller parties and political parties in smaller states, as the number of MLAs required to constitute 2/3rd will be less. Lately, India has witnessed significant mergers in Rajya Sabha and state legislative councils¹²⁸. Therefore, to curb wholesale

¹²⁷ This was in response to the petition filed by Jaya Thakur, a social activist from Madhya Pradesh (Thomas, 2021).

¹²⁸ Besides the MLAs in various states joining BJP, five Rajya Sabha MPs also merged into the BJP. For example, four out of six TDP Rajya Sabha MPs merged with BJP on 21 December 2018 (Korada, 2016). Likewise, Ram Kumar Kashyap, a sole Rajya Sabha MP from Indian National Lok Dal (INLD), merged into BJP on 27 June 2019. It is said

defections, it is essential to remove the exemption of mergers. However, this would raise a larger question of ways to deal with party dissent. In addition, the terms like political parties, and mergers must be defined well.

3.6.9 To Establish an Ethics Committee

It is proposed that establishing an ethics committee to enquire about the defections that are due to monetary motives might curb defections (Kumar, 2019). It is recommended that, like the enquiry on the ‘cash for question case’¹²⁹, defections with financial motives should be highlighted. However, the problem is that financial inducements are very much present in defections, but it is challenging to bring all the cases of defection involving monetary motives to the forefront; as most of these transactions happen behind the screens. Thus, it becomes difficult to substantiate these allegations.

3.6.10 Amendment of the Representation of the People Act

It has been proposed that the Representation of the People Act needs to be amended regarding the recognition of political parties. It is suggested that only those political parties that follow internal-party democracy should be recognised (Kumar, 2019). If parties follow inner-party democracy, it would be hard to welcome defectors from other parties, as it would be difficult for the newcomers to get a ticket or position. Consequently, it would reduce the defections.

3.7 Curbing Defections: Need for Multiple Measures

Although India has developed constitutional constraints on defections, whether as individuals or in groups, legislators continue to switch parties by manipulating the provisions of law. It has been said that politicians often try to find newer ways to evade the law that obstructs their wish to attain political power. Anti-defection is one such law, where it has been challenging to find a legal solution to the political problem (C. Roy, 2019). Therefore, along with amending the anti-defection law, other measures must be taken to curb defections that create instability in the government and the party system. The steps must be taken both by the Parliament and by the political parties. It is

that the BJP, which did not enjoy a clear majority in Rajya Sabha, had to wait for a long period to get the bills passed. Therefore, to increase its strength, the BJP has encouraged defections even in Rajya Sabha.

¹²⁹ Under the cash for question scam it was proven that some of the MPs took cash in order to raise questions in the parliament in the year 2005.

proposed that the Parliament should take the following measures: introduction of state funding of elections, banning independents from contesting in elections, shifting from FPTP to a proportional representation system, and introducing the provision for recall of legislators (Kashyap, 1970, p. 206; Kumar, 2003, p. 1838).

The role of political parties in facilitating the defections is well known. The political parties encourage defections by welcoming legislators from other parties and offering tickets to contest by-polls or the subsequent elections. In addition, the parties reward the defectors with ministerial berths or key posts within the political party. Therefore, political parties must change, and they need to strengthen their internal party democracy.

If parties attract members based on ideology, and if the members' career within the party is based on their capabilities instead of inheritance, it can reduce defections and the role of money or muscle power in politics (Madhavan, 2021). Instead of 'winnability criteria', the parties should select the candidates based on their achievements, role in the party, experience, and service. Besides, political parties should adhere to the party code of conduct and internal democracy. In that case, the legislators cannot leave the party easily as it would be difficult for them to be accepted by the new party. The new party might not easily offer them tickets or ministerial berths; as it might lead to internal bickering in the party when the old-timers are side-lined to accommodate the defectors from other parties.

Further, there should be financial transparency in the form of regular auditing of the accounts of political parties and bringing them under the Right to Information (RTI) Act. Also, there should be stricter organisational rules in conducting elections to elect party office bearers within the political party (ADR report, 2021). It is worth remembering that the anti-defection law was passed unanimously in Parliament. Thereby, giving consent to anti-defection law meant that politicians would express their support to maintain the party system's unity and integrity (Achary, 2019b). In contrast, today, all political parties accommodate defectors by offering them ministerial positions and tickets without considering their ideology or the service to the party.

Some of the important proposals suggested for remedying the loopholes in the anti-defection law are removing the exemption of mergers, transferring the adjudicatory powers to an independent body, fixing a time limit, restricting the defectors in re-election, and taking up

ministerial positions, and more importantly, the need to bring internal reforms within the political parties. Unless the parliament and political parties make an honest effort to introduce some of these measures, various actors in the political process will continue to misuse the loopholes to fulfil the private benefits. The following section discusses the presence of such laws in other parts of the world. It also describes the debates on the consequences of such laws on democracy.

3.8 Anti-Defection Laws in other Democracies

As previously noted, party switching is a universal phenomenon in most representative democracies. Nevertheless, its consequences on the party system and the government's stability vary across nations. As a result, countries have invented different ways to restrict this phenomenon. In countries where party switching is a significant issue, they have designed laws/constitutional regulations to curb the practice of defections. Conversely, no such laws or constitutional constraints exist in countries where defections are uncommon. Instead, these countries have an internal mechanism within the party to check cross-voting or voting against the party (Nikolenyi, 2016, p. 98).

In most countries, the laws against party switching are not just laws; they are often enshrined in national Constitutions (Janda, 2009). The reason for incorporating them into the Constitution is that it is more difficult to amend a constitution than change a law¹³⁰ (Janda, 2009). In many countries, constitutional measures are referred to as anti-defection laws, and in some countries, it is called Electoral Integrity Law or Political Integrity Law (Nikolenyi, 2016, p. 98).

As of 2015, nearly 40 countries¹³¹ have included some form of Constitutional regulations on defections (Nikolenyi, 2016, p. 98). Janda (2005), in his study, has shown that established or older democracies are less likely to have laws that regulate and control party switching. Because in most established democracies, party switching is rare, and they have an internal mechanism within the political parties. For instance, in countries like Canada, France, Italy, Japan, New Zealand, the UK, and the USA, if the legislators violate the whip, this would not lead to their disqualification from the house; instead, they would be internally punished by the parties in the

¹³⁰ In most countries parliaments can change the laws with simple majority but changing a constitution requires a special majority.

¹³¹ Among scholars there is no consensus on the number of countries that have anti-defection laws.

form of removal from the parliamentary committees, denial of ministerial berths or from party positions (Janda, 2005).

Moreover, Janda (2009) finds support for his hypothesis that it is the new democracies that were more likely to have anti-defection laws than the established democracies. He observes that out of 41 countries, only 14% of the established democracies have anti-defection laws. Conversely, nearly 24% of new democracies have these laws. Further in this line, a study by Nikolenyi (2016, p. 99) has shown that out of 40 countries with anti-defection laws, 36 were new democracies¹³². The four countries which do not fall under the newly democratic countries but have introduced anti-defection laws are India, Israel, Guyana, Trinidad, and Tobago (Nikolenyi, 2016). In addition, it has been examined that in many countries with anti-defection laws, 23 out of 40 are in Africa. The Asian region stands second, where ten countries have formulated such laws. Conversely, very few countries in the European and American continents have such laws (Nikolenyi, 2016). It must be noted that African and Asian countries adopted democracy much later than European and American countries.

Further, in his study, Janda (2007, p. 8) shows that nearly 32% of the countries classified as semi-democratic have party switching laws. In contrast, in democratic countries, among both the old and new democracies, only 13% of countries have such laws. Likewise, in his study, Booysen (2006) noted that the presence of anti-defection law depends on the age of democracy and institutionalisation of the party system.

In continuation of Booysen's (2006) hypothesis, Nikolenyi (2016) highlights that adopting anti-defection laws in established democracies depends on a combination of certain factors. He draws this conclusion after comparing India and Israel, where adopting anti-defection laws was possible, with Canada, where repeated attempts to introduce such a law were unsuccessful. The four factors which influence the formation of these laws are as follows. First, age of democracy, it is shown that the older the democracy, the less likely it is to have an anti-defection law. India and Israel achieved democracy almost after three decades of democracy in Canada, which means

¹³² New democracies are the countries which got independence after 1973.

Canada had a more extended experience of democracy than these two countries. Thus, several efforts to introduce such a law in Canada did not find acceptance (Nikolenyi, 2016).

The second factor is the history of recurrent defections before introducing such reforms. There were an increased number of defections in India and Israel before such a law was introduced. However, the number of switches in Canada was insignificant (Nikolenyi, 2016). The third factor is whether defections resulted in any political and governmental crisis. In India and Israel, defections before the law's introduction had led to political crises; however, Canada did not witness any crisis, and merely saw an increase in the number of switches. The fourth factor is legislative balance; when the party in government either has a supermajority, like the case of India, or a close balance between the ruling and the opposition parties, it is easier to adopt such laws. In the case of Canada, the government was headed by a single-party minority government. Hence, due to the combination of these factors, India and Israel successfully introduced such a law, which was impossible in Canada.

On similar lines, Miskin (2003) notes that dictatorships and fragile democracies use anti-defection laws more than established democracies. Further, on this aspect, Malhotra (2005) has highlighted that anti-defection laws are more common in the Commonwealth countries which had experienced defections. In his work, it has been noted that among the forty Commonwealth countries that were examined, in twenty-three countries, party switching leads to the disqualification of legislators from the Parliament (Malhotra, 2005). In addition, seven countries allow members who vote against their parties to be expelled. Conversely, out of the 25 non-Commonwealth countries, only seven have anti-defection laws. Besides, in these seven countries, members do not lose their seats for voting against their parties (Malhotra, 2005). In addition to the difference between various democratic countries, scholars have also examined whether there is any difference between different electoral systems in adopting such laws.

In the literature on party switching, some studies have highlighted that defections would be more in the FPTP electoral system than in list-proportional systems. Therefore, Nikolenyi (2016, p. 99) examined to see if there is any difference between countries that follow these two types of electoral systems in adopting anti-defection laws. Interestingly, constitutional regulations on defections were equally found in these two types of electoral systems (Nikolenyi, 2016).

Table 3.6
Countries with Anti-Defection Laws and the Year of Enactment

Sl. No	Country	Year of Enactment	Continent
1	Angola	1992	Africa
2	Antigua & Barbuda	1981	North America
3	Bangladesh	1980	Asia
4	Belize	2001	North America
5	Bhutan	2008	Asia
6	Burkina Faso	2009	Africa
7	Cape Verde	1992	Africa
8	Congo-Brazzaville	2002	Africa
9	Democratic Republic of Congo	1997	Africa
10	Fiji	2000	Oceania
11	Gabon	1995	Africa
12	Gambia	1997	Africa
13	Ghana	1992	Africa
14	Guyana	2000	South America
15	India	1985	Asia
16	Israel	1991	Asia
17	Kenya	2002	Africa
18	Malawi	2001	Africa
19	Mozambique	1995	Africa
20	Namibia	1990	Africa
21	Nepal	1997	Asia
22	Niger	1999	South America
23	Nigeria	1999	Africa
24	Pakistan	1985	Asia
25	Panama	NA	North America
26	Papua New Guinea	2002	Oceania
27	Portugal	NA	Europe
28	Rwanda	2003	Africa
29	Senegal	2001	Africa
30	Seychelles	1993	Africa
31	Sierra Leone	1991	Africa
32	Singapore	1963	Asia
33	South Africa	2003	Africa
34	Sri Lanka	1978	Asia
35	Tanzania	1977	Africa
36	Thailand	1997	Asia
37	Trinidad & Tobago	2002	South America
38	Uganda	2003	Africa
39	Zambia	1991	Africa
40	Zimbabwe	1989	Africa

Source: Malhotra (2005), Goeke & Hartmann, (2011), Nikolenyi, (2016)

Table 3.6 provides that most countries that have enacted anti-defection laws are in Africa and Asia. Adaptationally, we can notice that most of these countries have adopted such laws mainly from the 1990s onwards. We can argue that most post-colonial countries started witnessing multi-party democracy in the 1980s. The institutional factor of more parties in parliament might influence the ambitious legislators to switch parties. As a result, the phenomenon of party switching might have increased. Thereby, to control party switching, countries would have enforced anti-defection laws. As the literature points out, legislators would move when there are more options available (multi-party system) and think that the prospects of switching would bring them more benefits than what they have in their current party. After observing the presence of anti-defection laws in various countries, the following section looks at different views regarding the adoption of anti-defection laws.

The scholars who consider that defection leads to party system instability favour anti-defection laws that would disqualify the defectors from their membership of the house. Some others defend these laws saying that these types of laws assist in party politics in government (Janda, 2009, pp. 4-5). Besides, those who take a moral perspective consider defections as undemocratic, resulting in a breach of faith, a contract violation (Desouza, 2001). Thus, they would favour enforcing such laws.

Further, Janda (2007,), highlighting the consequences of anti-defection laws, argues that there are two contrasting voices on the effects of anti-defection laws (p.9). The first are those that are overtly voiced or talked about, and the second is voiced explicitly. The explicit argument is that these laws will prevent the large parties from taking over the government control, with the help of defectors from small parties. Since those who leave the party will be disqualified; thereby, which reduces party fragmentation (Janda, 2007, p. 9). Also, by making political parties the units of representation and disqualifying those who vote against the government, it attaches greater importance to party politics. It reduces 'personalism in politics (Janda, 2007). The counter-argument that is put forth is that it provides for a highly centralised party policy and maintains cohesion among the members of a political party.

It is argued that there exists a difference between how the established democracies and the developed democracies view party switching. It is noted that established democracies value the

freedom of individual parliamentary members to switch parties. They regard the regulatory mechanisms against political freedoms as against democratic values. These laws limit competitive party politics (Janda, 2009, p. 11). Conversely, most developing democratic nations do not have established political systems. Their political systems are in flux. In these countries, the electorate mainly expresses their political loyalties to the clans, groups, or local leaders. Therefore, they do not have a well-established political system. As a result, anti-defection laws may be suitable for developing countries (Janda, 2009).

On the impact of anti-defection laws on democracy, there are contradictory views. Since anti-defection laws apply uniformly to both the ‘credible defections’ (those who switch due to internal differences in the party, authoritarian attitude of the party leader, differences over policy or ideological differences) and the ‘discreditable defections’ (which are mainly to fulfil the personal ambitions of legislators) (Miskin, 2003, p. 23). On the one hand, it is viewed that it ensures ‘genuine democracy’; as it protects the government and also the ‘will of the people’ till the end of the legislative term (Miskin, 2003, p. 24). Further, limiting the changes in the balance of power in between the elections ensures stability in the legislature. It also assists parties in enforcing coherent policy and disciplined voting (Miskin, 2003). On the other hand, it is viewed that such laws will undermine democracy. As it curtails the freedom of legislators, it restricts the legislators to follow party orders while voting in the Parliament. Besides, it makes the political parties’ position more significant than individual legislators (Miskin, 2003, p. 24).

However, it must be noted that the Constitutional constraints on defection are often ineffective because parties and representatives find loopholes in the laws and use diverse strategies to bypass the law¹³³ (Booyesen, 2006, p. 730). In most countries where such laws exist, they are problematic and unworkable due to several lacunas within the law.

¹³³ In this regard, an example of Turkey needs a mention. The anti-defection law was introduced in 1982. According to the law, defectors can be expelled from Parliament by a majority vote, and they cannot be nominated in the next election by any of the existing parties at the time of resignation. Only a new party was allowed to give a ticket. This law has been found ineffective because none of the defectors were penalised by majority vote, and defectors quickly found a new way to circumvent the law. Those who wanted to switch would initially switch to a proxy party and then join another party. Thereby, the law was removed in 1995 (Kemahlioğlu, & Sayari, 2017, p. 192).

3. 9 Conclusion

This chapter began with the historical development of the anti-defection law. It has highlighted the criticisms against the law and loopholes due to which the law cannot meet its desired objective. It has also noted the multiple suggestions to modify the law to minimise the loopholes. The anti-defection law is intended to curtail defections and bring government stability. With the surge in the number of defections, especially in the fourth-party system, the purpose and worth of this law have been discussed repeatedly. The fourth phase has witnessed a change in the balance of power between the elections in many states due to party switching. This chapter provides insights into how legislators and political parties have weaponised the law to sustain or bring down elected governments. The next chapter focuses on trajectory defections in India.

Chapter-4

The Trajectory of Party Switching in India from 1952-Present

4.1 Introduction

This chapter traces the trajectory of defections in India. Defections play a significant role in altering the legislature's power dynamics and substantially impact the party system. From 1952 to the present, the Indian party system has changed in diverse ways. In this background, this chapter classifies the defections into four phases. The first phase corresponds to the Congress dominance era from 1952 to 1966. The second phase was from 1967 to 1984¹³⁴. The third phase was from 1985 to 2013. The fourth phase is from 2014-present.

This chapter analyses the defections in India in the framework of these four phases. It also attempts to explain the probable reasons for low switching in the Congress dominance era and the increase in defections in the subsequent phases. It also describes how defections took a different form in the third phase with the introduction of the anti-defection law. Therefore, this chapter adds to the existing literature on party switching in India by systematically examining the number of switches in each phase and the probable reasons for variation in defections in each phase.

Scholars like Kashyap (1969; 1970; 1974) and Kamath (1985) have documented the significant instances of party switching in India until the enforcement of the anti-defection law. Likewise, Malhotra (2005) recorded the number of defections in the state legislatures from 1985 to 2005. However, the earlier studies do not provide a systematic account of the number and direction of switches; this chapter fills this gap. This chapter aims to provide a comparative perspective on defections in India under various phases.

This chapter consists of five sections. The first section describes party switching in India in the Congress dominance phase and highlights the probable reasons for defections being low in this phase. The second section notes the state governments that were destabilised due to defections in the post-congress coalition era. It highlights the factors that led to the surge in defections. The

¹³⁴ As discussed previously, in India the late 1960's saw a surge in defection and it continues to increase. In this context, Kailash (2022a) categorises the defections in India into three distinctive waves. The first wave is from 1967-1984, second wave from 1985–2013 and the third wave is from 2014 to present.

third section highlights party switching in the post-anti-defection law phase. It shows that the number of splits and mergers increased due to the anti-defection law. The fourth section underlines the reason for the increase in defections in the second dominance era from 2014 to the present. The last section examines the association between the type of government and the number of defections, the effect of anti-defection law on the number of parties, the electoral performance of defectors, and the gender aspect of defections from 1967 to 2022. This section also provides conclusions.

As noted in the introduction, defections were part of Indian politics even in the pre-independence era. However, the number of defections was insignificant, and the number of governments destabilised during the term were low. Defections have been a recurrent feature in Indian politics. Defections have led to the government crisis and political instability in many states. Despite defections being a continuous phenomenon since 1952, the magnitude of defections and the impact on the legislature and the government have not been uniform. The following section describes politics under the Congress dominance era and underscores the factors that prevented recurrent defections in this phase.

4.2. Party Switching Under Congress Dominance Phase (1952- 1966)

In the first general elections, the Congress party emerged victorious and formed the government under the prime ministership of Jawaharlal Nehru. With independence and partition, the main rival party to the Congress, the Muslim League, was out of the electoral scene (Suri, 2005, p.16). In addition, Congress was able to use the organisational network of the freedom movement to mobilise people (Sridharan, 2010, p.119). The decades of the 1950s to 1960s are referred as the ‘Congress dominance system’ by Kothari (1964)¹³⁵. In this period, Congress won a 2/3rd majority in Lok Sabha and most state assemblies (see Table 4.4 & 4.5).

In the first four general elections, the vote share of Congress ranged between 44 to 48% of the votes polled (Sridharan, 2010, p.120). Further, Kothari (1964) elaborates on the features of the

¹³⁵The reason Kothari innovatively used the term ‘Congress system’ might be because the party system in India could not be fitted into the established categories of one-party system or multi-party system.

Congress system. First, plurality within the dominant party made it more representative and flexible to accommodate diverse interests; thus, the party managed the internal competition.

Second, Congress could absorb groups and movements from outside the party, preventing other parties from gaining strength. The opposition was fragmented and greatly divided. The opposition parties were not ‘parties of consensus’ but instead ‘parties of pressure’ (Kothari, 1964). Due to the electoral dominance of the Congress party, this phase is also referred to as a one-party system¹³⁶. The opposition parties could not challenge the authority of the Congress party. Therefore, Congress dominated both at the centre and in the states in the post-independence period for nearly two decades. This phase was marked by stability and harmony in the government.

Table 4.1
Seats and Vote Share of Parties in the Congress Dominance Era

Year	INC		CPI		SOC		PSP/KMPP		BJS ¹³⁷		Others		IND	
1952	364	45.0	16	3.3	12	10.6	9	5.8	3	3.1	47	15.9	38	16.4
1957	371	47.8	27	8.9	—	—	19	10.4	4	5.9	31	7.6	42	19.4
1962	361	44.7	29	9.9	6	2.7	12	6.8	14	6.4	34	10.4	20	11.1
1967	283	40.8	23	5.0	—	—	13	3.1	35	9.4	45	10.1	35	13.7

Source : (Brass, 1990, pp. 76-77).

Note: The results in the table are for the first four Lok Sabha elections.

Figures in Table 4.1, display that the Congress party secured more than 73% of the seats and 45% of the votes in the first three Lok Sabha elections. Further, the above table indicates that none of the other political parties were close to Congress to provide an alternative. In addition to winning most Lok Sabha seats, Congress secured a comfortable majority in most states¹³⁸. Based on the electoral dominance of Congress, Morris-Jones (1979, p. 217) described this phase as “dominance coexisting with competition but without a trace of alternation”. This implies that though opposition parties contested elections, the opposition parties were not strong enough to

¹³⁶ The one party that existed in India was different from the one-party system that existed in countries like Ghana. In India, the dominance was based on consensual authority and not simply on civil or military power (Kothari, 1964). Unlike the one-party system, the party system in India was truly democratic where the Opposition parties were allowed to participate freely, the constitution guaranteed Universal Adult Franchise (UAF) and elections were held regularly. All these indicate that the party system was democratic.

¹³⁷ Bharatiya Jana Sangh was a right-wing political party that existed between 1951 to 1977, a forerunner of the BJP.

¹³⁸ Except in the states of Jammu and Kashmir, Kerala and Nagaland where National Conference, CPI, and Naga National Organisation, three non-Congress parties formed governments in these states respectively, in other states the Congress party remained a dominant party till 1967.

provide an alternative to the Congress party; thus, electoral results were easily predictable. Further, the Left parties' vote share varied from 3% to 10% in this phase (Hasan, 2010, p. 245). The influence of Left parties was also limited to states like Kerala and Hyderabad province.

In this phase, the opposition was divided, and the opposition mainly arose from the factions within the Congress party. The spread of the Congress party throughout India was unmatched. In this phase, the elections were not competitive and were marked by a lower level of electoral participation. Although the Congress leadership was controlled mainly by the upper caste and class groups, it was not limited to any group or identity (Hasan, 2010, p. 241). Instead, it had Scheduled Castes (SCs), Scheduled Tribes (STs), Muslims, and various linguistic and caste groups in higher positions. The Congress party had politicians from across the board; that is why it was referred to as the 'catch-all party'¹³⁹ and the 'party of consensus' by Kothari (1964); Lijphart (1996), called it a 'grand coalition of parties'. Farooqui and Sridharan (2016) use the term 'Umbrella party'¹⁴⁰.

Table 4.2
State Governments Destabilised due to Defections (1952-1966)

Sl. No	State/ Province	Year	Parent Party	Defected to	Main Reason	Seats won by INC	Seats to form Govt.	Party in Centre
1	Madras	1952	16 MLAs-Independents & Opposition parties	Congress	Congress lacked majority	152	188	Congress
2	Rajasthan	1952	Independent Candidates	Congress	Congress had a slim majority ¹⁴¹	82	80	Congress
3	Patiala East Punjab States Union (PEPSU) ¹⁴²	1952	Akali Dal	Congress	Congress lacked majority	26	30	Congress
4	PEPSU	1952	MLAs from Congress and Independents	United Front Party	To form a non-Congress government	26	30	Congress

¹³⁹ A Catch all party is one that seeks support from varied social groups instead of adhering to one ideology or one class for electoral support (Suri, 2013, p. 234).

¹⁴⁰ An Umbrella Party is one that can accommodate different groups (Farooqui & Sridharan, 2016, p. 350).

¹⁴¹ Slim majority in this study means the party secures just a few seats more than the majority mark in the state.

¹⁴² PEPSU was a state of India until 1956, it consisted of eight princely states.

5	Hyderabad	1953	Praja Socialist Party (PSP)	Congress	Congress had slim majority, T. Prakasam, leader of PSP, was offered the chief minister's post ¹⁴³ by the Congress party	93	87	Congress
6	Travancore-Cochin (Kerala)	1954	PSP	Congress	Thanu Pillai & others to form Congress led-government	45	59	Congress
7	Mysore ¹⁴⁴	1956	21 MLAs-Congress	NA	No-confidence motion against CM Kengal Hanumanthaiah	150	105	Congress
8	Odisha	1957	Independents	Congress	Congress lacked majority	56	70	Congress
9	Uttar Pradesh	1959	Congress	NA	Voted against the then CM Sampurnanand	286	216	Congress
10	Rajasthan	1962	Independents	Congress	Congress lacked Majority	88	89	Congress
11	Kerala	1964	16 MLAs - Congress	Opposition Parties	Slim Majority, No confidence motion was passed against CM R. Shankar	63	64	Congress

Source: Compiled by the researcher based on C. Roy, 2017, Diwan, 1979, p. 291, Kashyap, 1974, p. 60, Naik, 2020.

Note: Besides the above-noted defections in Table 4.2, in the 1950s and 1960s, several leaders within the Congress party established their parties, such as Kisan Mazdoor Praja Party (KMPP)¹⁴⁵, PSP, Samyukta Socialist Party (SSP), Kerala Congress, Bangla Congress, and Swatantra Party, Jana Congress, Janta Party (Mittal, 1991; Suri, 2005, p. 17-18).

Table 4.2 provides that in the Congress dominance phase, most of the defections in the states were to the Congress party—the party in power at the centre. In addition, most defections occurred when Congress failed to get an absolute majority and whenever it had a slim majority in the state legislatures. However, Table 4.2 shows defections in Mysore, UP, and Kerala were due to no-confidence motions against the chief ministers. Table 1.1 (in chapter I) indicates that the Congress dominance phase saw 5% defections, the lowest among all four phases. In addition, Kashyap (1969) notes that between 1952 to 1967, for almost 15 years, there were only 542 defections. Besides, Table 4.3 shows that the Congress party gained more MLAs through

¹⁴³ This shows that rewarding the defectors was present from the very beginning in Indian politics. T. Prakasam served as the chief minister of newly formed Andhra Pradesh from 1st October 1953 to 15th November 1954.

¹⁴⁴ The present-day Karnataka was known as Mysore state until 1973.

¹⁴⁵ In 1952 it was merged with Praja Socialist Party (PSP).

defections in the first phase. In contrast, other parties suffered losses and did not gain because instead of joining the existing parties' the defectors started new parties.

Table 4.3
Gains and Loses to Political Parties due to Defections (1952-1967)

Sl. No	Political Party	Number of Gains	Number of Losses
1	Congress	419	98
2	Jan Sangh	0	8
3	Swatantra	0	53
4	SSP	0	14
5	PSP	0	93
6	CPI	0	10

Source: Based on Kashyap 1970:197

Concerning defection in the first phase, Kashyap (1974, p. 62) highlights that in this period, the Congress party gained more from defections than other parties. The significant reason most legislators switched towards Congress could be that the Congress party was ruling at the centre and in most states. As the literature points out, switching towards the governing party is more since it would control votes, office, and policy (Volpi, 2017, p. 6; McLaughlin, 2012, p. 574). Similarly, associating with the governing party facilitates access to wide resources and services that the state controls (Kailash, 2022 a).

Conversely, the opposition parties' resources are limited to meet the ambitions of politicians (O'Brien & Shomer, 2013, p.123). Thereby, there were more switches to the ruling party and fewer towards the opposition¹⁴⁶. The ruling party is the most attractive destination due to its ability to fulfil the ambitions of individual legislators. Against this backdrop, the opposition leaders criticised the Congress party for inducing legislators from the opposition parties into its fold. The critics saw it as a step towards curbing the power of the opposition, whose role is equally essential for the effective functioning of the government (Kashyap, 1969). However, this phase witnessed the weakening of the opposition when the defectors mainly joined the Congress party.

¹⁴⁶ Similarly, in the fourth-party system most of the defections were from the opposition to the ruling parties in various states (details are discussed below).

The following factors facilitated the legislators to stay put and defect less in the Congress dominance phase. First is the absence of strong alternative parties. As noted in the theoretical framework chapter, legislators would switch parties only when an alternative party is willing and able to offer higher benefits than what the legislators enjoy in their present party (Laver & Benoit, 2003, p. 217). Though as many as 54 political parties contested in the first general elections, the opposition parties could not compete effectively as they failed to win a significant number of seats.

The opposition parties could not compete with the Congress party for two main reasons. One, the opposition parties were geographically concentrated. Unlike the Congress, which had a pan-India presence, the opposition parties' strength was limited to specific regions. Two, the opposition parties were limited in their social base. In sharp contrast, distinct from the Congress, which accommodated different social groups, the opposition parties were limited in their appeal (Sridharan & Varshney 2001, p. 218).

Second, lack of incentives to switch to the opposition parties. Since Congress dominated both at the centre and in the states by winning an absolute majority (see Table 4.4 & 4.5), there were fewer incentives that the legislators would receive by switching to the opposition parties. The three main political motives of legislators- votes, office, and policy, were controlled by Congress. As a result, if the legislators had to meet any of these ambitions, they had to be loyal and stay with the Congress party. McLaughlin (2012, p. 574) has underlined that the legislators from the ruling party were less likely to switch than legislators from other parties. Legislators associated with the ruling party would receive more rewards than legislators in the opposition parties.

The third factor is the strong organisational machinery of the Congress party. The Congress party had robust organisational machinery from the village level to the block/panchayat, district, state, and national levels (Sridharan & Varshney, 2001, p. 219). However, no other opposition party had a party organisation as strong as the Congress party. Thereby, the strong organisational networks kept the Congress members stay-put with the party. As Chhibber et al. (2014) have emphasised, strongly organised parties are less likely to see switches by their members because members are sure that if they stay loyal to their party, they will move up the ladder both in party organisation and political positions. Conversely, in a weakly organised party system, members fear that the defectors might take over their rewards through lateral entry (Chhibber et al., 2014).

Fourth, clear majorities in the state assemblies and the parliament. The Congress party secured a landslide majority at the centre and most states in this phase (see Tables 4.4 & 4.5). Thereby not necessitating coalition governments. As the literature on party switching points out, defections are more when the number of parties in the legislature increases (Shvetsova & Mershon, 2009, p.110). Similarly, Volpi (2017, p.10) considers that the number of options available is more when the number of parties in the legislature is higher. The legislator can choose a party close to the legislator's ideological orientation, and the demand for defectors increases in coalition governments more than in majority governments. Since the Congress party enjoyed a clear majority in most state legislatures, there was no demand from the Congress party to welcome defectors from other parties.

Table 4.4
Electoral Performance of Congress in Lok Sabha (1952-1967)

Year	Total Seats in Lok Sabha	No. of Seats for Majority	Seats Won	Seats Won (%)	Votes Secured (%)
1952	489	245	368	75.26	45.70
1957	494	248	371	75.10	47.78
1962	494	248	361	73.08	44.72
1967	520	261	283	54.42	40.78

Source: Compiled by the researcher using the Election Commission of India's reports on Lok Sabha election results.

Table 4.5
Electoral Performance of Congress in State Assemblies (1952-1967)

State	Year	Strength of the Legislature	Number of Seats for Majority	Seats Won by Congress	Seats Won (%)
Andhra Pradesh	1951	173	87	93	53.76
	1955	142	72	119	83.80
	1957	105	53	68	64.76
	1962	300	151	117	39.00
	1967	287	144	165	57.49
Assam	1951	105	53	76	72.38
	1957	108	55	71	65.74
	1962	105	53	79	75.24
	1967	126	64	73	57.94
	1952	276	139	239	86.59

Bihar	1957	318	160	210	66.04
	1962	264	133	185	70.08
	1967	318	160	128	40.25
Gujarat	1962	154	78	113	73.38
	1967	168	85	93	55.36
Himachal Pradesh	1951	36	19	24	66.67
	1967	60	31	34	56.67
Jammu & Kashmir	1967	75	38	61	81.33
Karnataka	1951	99	50	74	74.75
	1957	208	105	150	72.12
	1962	208	105	138	66.35
	1967	216	109	126	58.33
Maharashtra	1951	315	158	270	85.71
	1957	264	133	135	51.14
	1962	264	133	215	81.44
	1967	270	136	203	75.19
Odisha	1951	140	71	67	47.86
	1957	140	71	56	40.00
	1962	140	71	82	58.57
	1967	140	71	31	22.14
Punjab	1951	126	64	96	76.19
	1957	154	78	120	77.92
	1962	154	78	90	58.44
	1967	104	53	48	46.15
Rajasthan	1951	160	81	82	51.25
	1957	174	88	119	68.39
	1962	174	88	88	50.57
	1967	184	93	89	48.37
Tamil Nadu	1951	375	188	152	40.53
	1957	205	104	151	73.66
	1962	206	104	139	67.48
	1967	234	118	51	21.79
Uttar Pradesh	1951	430	216	388	90.23
	1957	430	216	286	66.51
	1962	430	216	249	57.91
	1967	430	216	199	46.28

West Bengal	1951	238	120	150	63.03
	1957	252	127	152	60.32
	1962	252	127	157	62.30
	1967	280	141	127	45.36

Source: Compiled by the researcher using the Election Commission of India's reports on assembly elections.

Tables 4.4 and 4.5 indicate that the Congress party had a clear majority in the Lok Sabha and most state legislatures until 1967. In the first three elections at the state level, Congress won a clear majority. It was in 1967 that the Congress party could not secure a majority in Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal. As the Congress party secured a clear majority in the first three elections in most states, it was not necessary for the party to seek the support of defectors to sustain the government. As Congress party-controlled state and government— votes, office, and policy, legislators would have anticipated that it was beneficial to stay with Congress rather than shifting to other parties.

Fifth, ideological consensus within the Congress party and its members. As discussed in the framework chapter, legislators would switch when a difference emerges between the legislators and the party over ideological orientation (Desposato, 2006; Pinto, 2015). The defections due to policy reasons were minimal in the first phase¹⁴⁷. In the Congress era, mainly under prime minister Nehru, there were open debates and criticisms of the government in the parliament, for instance, on bills like the Hindu personal law and land reforms. The legislators in this phase were free to express their dissent within the party. Instead of having an exclusive focus, Congress tried accommodating diverse views on policy matters (Kothari, 1964). Even the opposition attempted to indirectly influence the Congress party's policy from the margins by controlling the sections within the Congress party. Therefore, the ideological consensus between the legislators and the party was another reason that kept the Congress legislators together.

Sixth, intra-party democracy within the Congress party allowed different voices to be heard and to accommodate various groups within the party. The internal elections help in better communication between the party leadership and members at the grassroots level. Therefore, Congress minimised the factions based on personality, caste, ideology, religion, or any other basis

¹⁴⁷ Leaders like Acharya J.B. Kripalani and Acharya Narendra Dev who had differences of opinion with Nehru formed new parties called KMPP and Congress Socialist Party respectively.

(Sridharan & Varshney, 2001, pp. 218-219). However, gradually power got concentrated at the party leadership, and many who had dissented from the party moved away in the second phase when intra-party democracy became weak.

Additionally, three other key factors kept the Congress party united: One, it was credited as the party that led the freedom movement (Sridharan & Varshney, 2001). Second, the popularity of its leaders like M.K Gandhi and Jawaharlal Nehru, who had a mass following. Third, Congress had incorporated several state-level leaders who had participated in the national movement and managed the Congress organisation in their respective states (Sridharan & Varshney, 2001, pp. 218-219).

Nonetheless, several things had changed within the Congress party and the nation by the fourth general elections. With the death of leaders like Nehru, the importance of intra-party democracy, party organisation, and the practice of consensus-based decisions within the party altered. The changes within the party resulted in dissatisfied leaders and legislators starting their parties or joining another party in late 1960. So far, this section examined the likely reasons for fewer defections and how defections were mainly to the Congress party—the ruling party centre in the Congress dominance phase. It also indicates that defections are more during coalition governments and when the party has a slim majority than during majority governments. The following section examines the context in which India witnessed an upsurge in defections from the late 1960s and provides explanations for the upsurge in switching.

4.3 Defections in the Congress Opposition Era (1967-1984)

The year 1967 is considered a landmark in Indian politics because the Congress party faced a challenge to its political monopoly. Its strength in the fourth Lok Sabha was reduced to 283 from 361 in the third Lok Sabha¹⁴⁸ (Sridharan, 2010). Though Congress saw a decline in its vote share, it remained a significant part on which government formation at the centre depended. However, in 1967, for the first time, non-Congress governments were formed in seven¹⁴⁹ out of 16¹⁵⁰ states

¹⁴⁸ In 1967, the Congress party's seat share in the Lok Sabha was decreased to 54.37% for the first time. In the three previous Lok Sabha elections, it had received more than 72% of seats. Thus, Congress lost 18% of seats from its previous seat share in Lok Sabha (see Table 4.3).

¹⁴⁹ The seven states where the Congress lost and coalition governments were formed are Rajasthan, Haryana, Uttar Pradesh, Bihar, Punjab, Madhya Pradesh, and West Bengal.

¹⁵⁰ At present India has 28 states and 8 Union territories. In 1967, elections were not held in Nagaland.

(Sridharan, 2010). In this regard, Kothari (1974) considered that the dominance of Congress was ‘strikingly diminished after 1967’. In this phase, Congress remained in power at the centre except for two years (1977 to 1979), when the Janata party¹⁵¹ formed the government in the post-emergency elections¹⁵². Nevertheless, there was a rise in opposition at the state level¹⁵³.

The 1967 assembly elections resulted in a two-fold process. On the one hand, the weakening of Congress was apparent. On the other hand, with the formation of coalition governments in the states, the role of regional parties in politics became significant (Chakrabarty, 2014, p. 45). Initially, the coalition experiments of 1967-69 showed the possibility of forming non-Congress governments. Nonetheless, they were short-lived as the alliances among the parties were neither based on ideology nor shared programmatic uniformity (Chakrabarty, 2014).

Along with the electoral loss in seven states, the Congress party’s strength was decreased even in the states where it could secure a majority. Due to defections in several states, the legislative majority became a minority (Chakrabarty, 2014, p. 46). No single party could form the government in the seven states where Congress could not gain a majority (see Table 4.6). Instead, the opposition parties formed governments despite their ideological differences.

Table 4.6
States where the Congress Party Lacked a Majority in 1967

Sl. No	State	Legislature Strength	Seats to Form Government	Congress Seats	Congress Vote (%)	Party/Parties that Formed Government
1	Bihar	318	159	128	33.09	Janata Kranti Dal
2	Kerala	133	67	9	35.43	UF-CPM-led alliance
3	Madras	234	117	51	41.10	DMK
4	Odisha	140	70	31	30.66	Swatantra Party
5	Punjab	104	52	48	37.45	Shiromani Akali Dal

¹⁵¹ The Janata party was formed when four parties -Congress (O), Bharatiya Lok Dal, Jana Sangh and the Socialist parties were merged with the aim of anti-Congressism (Chakrabarty, 2014, p.14).

¹⁵² In the 1977 Lok Sabha elections Congress won only 154 seats and 34.5% of votes (Sridharan, 2010).

¹⁵³ In 1980s India was experiencing a true multi-party system where for the first time several regional parties started to gain control of the government at the state level and through alliance these regional parties were able to control the governments at the centre in the 1990s.

6	Rajasthan	184	92	89	41.42	Congress ¹⁵⁴
7	UP	425	213	199	32.20	Samyukta Vidhayak Dal
8	West Bengal	280	140	127	41.13	United Front

Source: *Researcher's compilation from statistical reports of ECI.*

Table 4.7
Number of Defections in Legislative Assemblies (1967 to 1973)

Sl. No	State	Assembly Strength	Defections by Party Members	Defections by Independents	Total
1	Andhra Pradesh	287	73	57	130
2	Assam	126	2	2	4
3	Bihar	318	161	48	209
4	Gujarat	168	142	16	158
5	Haryana	81	85	24	109
6	Himachal Pradesh	60	5	7	12
7	Jammu and Kashmir	75	3	-	3
8	Kerala	133	35	5	40
9	Madhya Pradesh	296	237	25	262
10	Maharashtra	270	19	1	20
11	Mysore	216	79	23	102
12	Nagaland (1969)	40	1	8	9
13	Odisha	140	61	3	64
14	Punjab	104	114	16	130
15	Rajasthan	184	25	6	31
16	Tamil Nadu	234	19	1	20
17	Uttar Pradesh	425	294	58	352
18	West Bengal	280	69	9	78
19	Delhi	56	1	--	1
20	Goa	30	11	--	11
21	Manipur	30	27	9	36
22	Puducherry (1969)	30	31	5	36
23	Tripura	30	10	--	10
Total		3613	1642	327	1969

Source: *Kashyap (1974, p. 37)*

¹⁵⁴ In Rajasthan, Congress was able to form a government with the support of defectors from other parties. Unlike in other states where defections destabilised the state governments in Rajasthan, defections helped in maintaining the stability of the government.

Table 4.7 presents that the period between the fourth and fifth Lok Sabha saw nearly 54.4 % of legislators switch parties. The data in the above table reveals that large states¹⁵⁵, like Uttar Pradesh, Madhya Pradesh, Bihar, Gujarat, Andhra Pradesh, and Punjab, witnessed a high number of defections compared to small states and Union territories. The reason could be the rise of opposition to Congress in these states.

Interestingly, as many as 327 independent candidates switched parties. This reiterates the point Mershon and Shvetsova (2013, p. 86) and Young (2014, p. 110) have highlighted that independent candidates were more likely to switch than party candidates. The independents are free from party compulsion to follow party principles or party leaders. Moreover, the independent candidates think the voters have elected them for their personal appeal. In India, the independent candidates are often those legislators of different parties who deserted their party either for being denied tickets or due to differences with the party leaders. Thus, being free from party control, the independent candidates were ready to support any party that offered the highest benefits.

Table 4.8
Defections and the Rewards for Defectors in States (1967-1973)

Number of Defections	Defectors Appointed as Chief Ministers	Defectors Appointed as Ministers	Number of State Governments fell Due to Defection
1,969	15	212	45

Source: Compiled from works of Rohit, (2011), Sarkar (2019), Kashyap (1993).

Table 4.8 displays the upsurge of defections in the states between the fourth and fifth assembly elections. Furthermore, the table highlights that the practice of rewarding the defectors has been present in Indian politics since the 1960s. It indicates that from 1967 to 1973, within five years, as many as 45 governments fell due to party switching. The regular fall of governments in a short period suggests that the political stability in states was at its lowest. The preceding discussion indicates that compared to the Congress dominance phase, the non-Congress opposition phase saw an increase in the number of defections. Furthermore, the effects of defections on the

¹⁵⁵ In this study states are categorised large and small based on the strength of the legislative assembly.

state legislatures and the government were significant as a greater number of state governments terminated before the completion of their term.

From 1967 to 1970, the Congress party had more out-switches as the descendants in various states started their parties. Besides, Table 4.9 shows between 1967 to 1969, non-congress governments were formed as a result of defections by Congress MLAs. However, from 1972, defections in several states mainly were from non-Congress parties to form a Congress government. For instance, in the 1971 Lok Sabha elections, Congress (Requisitionists) secured a majority in Parliament. As a result, within a week, state governments in Gujarat, Mysore, and Uttar Pradesh fell due to defections by legislators from Congress (Organisation) to Congress (R) (Kashyap, 1974, p. 13).

In 1977, for the first time, non-congress parties formed a government at the centre. However, the first non-congress government under the prime ministership of Morarji Desai was thrown out of power when 76 MPs extended their support to Charan Singh (Kamath, 1985, p. 1041). Though Janata Party¹⁵⁶ emerged as an opposition party to the Congress, it failed to sustain itself because it was unsuccessful in building party organisation and conducting intra-party elections (Sridharan & Varshney, 2001, p. 203). In 1979, Janata Party was split into two factions, Janata Dal and Janata Dal (Secular). After eight years, Janata Party re-emerged as Janata Dal under the leadership of V.P. Singh¹⁵⁷.

Kamath (1985) underscores that whenever the Congress party at the centre was strong, the MLAs in states switched from opposition parties to the Congress party. Table 4.9 shows that the Congress party formed a government in 16 out of 24 states that were destabilised due to defections. This suggests that in most states, defections were towards the ruling party at the centre. It can be claimed that except between 1967 to 1970 (see Table 4.9) when the Congress saw several out-switches again from 1971 onwards, the Congress had the most in-switches (see Table 4.9). Along with the above states, it was alleged that Congress (I) tried to bring down the non-Congress government headed by Ramakrishna Hegde in Karnataka in 1983. However, due to Hegde's public

¹⁵⁶ Janata party was an alliance of four parties i.e., Jana Sangh, Bharatiya Lok Dal, Congress (O), and Socialist party.

¹⁵⁷ However, from 1991 onwards it witnessed several splits. Over a period, many of these Janata Party splinter groups joined the BJP-led coalition of parties. For example, Samata Party in Bihar, Lok Shakti in Karnataka, Haryana Lok Dal in Haryana, Biju Janata Dal in Odisha (Sridharan & Varshney, 2001, p. 203). The main weakness of the Janata family parties has always been organisational weakness.

campaign against the politics of defection of the Congress party, the party's efforts were unsuccessful (Suri, 2006, p. 289).

It is to be recalled that in Haryana, Himachal Pradesh, and Andhra Pradesh, Governor G.D Tapase, A.N Banerjee, and Ram Lal respectively displaced their partisan nature by giving sufficient time for the Congress party leaders to prove their majority (Kamath, 1985, p. 1044). The extended time helped the Congress party to influence MLAs from opposition parties to switch to Congress.

Table 4.9

State Governments Destabilised Due to Defections (1967-1984)

Sl. No	State	Year	Government Type	Defected From	Defected to	Party at Centre	Reason for the Collapse of Government
1	West Bengal ¹⁵⁸	1967	Coalition	Congress	Bangla Congress (1966) *	Congress	P.C Gosh of the Bangla Congress came out of the alliance to form Progressive Democratic Front (PDF) along with the Congress
2	UP ¹⁵⁹	1967	Coalition	Congress	Jan Congress (1967)	Congress	Defections and ideological incompatibility among the alliance partners
3	Madhya Pradesh	1967	Coalition	Congress	Lok Sevak Dal (1967)	Congress	Govind Narayan Singh and his supporters defected from Congress
4	Haryana ¹⁶⁰	1967	Coalition	Congress	Vishal Haryana Congress (1967)	Congress	Rao Birender Singh and 14 MLAs defected from Congress

¹⁵⁸ The United Front was formed with the CPI, CPI (M), Forward Block, Revolutionary Socialist Party, and Bangla Congress.

¹⁵⁹ In UP, the SVD government was formed. It was a coalition of Jana Congress, Jana Sangh, SSP, PSP, Swatantra Party, Republican Party, and a few independents.

¹⁶⁰ Haryana became the 1st state where an elected government was toppled due to defections. Rao Birender Singh, who had defected from Congress, became Haryana's chief minister when his new party Haryana Congress in alliance with the opposition parties, was able to form the government (Rohit, 2011).

5	Bihar	1968	Coalition	Congress	Opposition parties	Congress	No party received a majority. Therefore, legislators switched parties
6	Bihar	1972	Majority	Congress (O)	Congress (R)	Congress (R)	Legislators switched from Congress (O) to (R)
7	Gujarat	1972	Majority	Congress (O)	Congress (R)	Congress (R)	Congress (R) received a majority in the 1971 Lok Sabha elections
8	UP	1974	Slim Majority	Congress (O)	Congress (R)	Congress (R)	
9	Mysore	1971	Majority	Congress (O)	Congress (R)	Congress (R)	
10	Orissa ¹⁶¹	1972	Coalition	Swatantra Party and Utkal Congress	Congress (R)	Congress (R)	Loss of majority as Swatantra Party and Utkal Congress MLAs switched to Congress
11	Manipur	1974	Coalition	United Legislature party	New group in alliance with Congress	Congress (R)	Loss of majority as the MLAs of the ruling alliance switched to Congress
12	Bihar	1973	Coalition	Non-Congress parties	Congress	Congress (R)	Loss of majority due to defections
13	Puducherry	1973	Coalition	DMK	AIADMK	Congress (I)	
14	Nagaland	1975	Coalition	United Democratic Front	Naga Nationalist Organisation	Congress (I)	
15	Meghalaya	1976	Majority	All Party Hill Leaders Conference	Congress	Congress (I)	
16	Goa	1979	Coalition	Maharashtrawadi Gomantak Party	Split in Maharashtra wadi Gomantak Party	Janata Party	Loss of majority due to split in the party
17	Haryana	1979	Majority	Janata Party	Congress (R)	Congress (R)	Loss of majority as MLAs switched from Janata Party to Congress (R)
18	Haryana	1982	Coalition	Lok-Dal, BJP, Congress (J)	Congress (I)	Congress (I)	Governor appointed Bhajan Lal, leader of Congress (I), as the chief minister and

¹⁶¹ Biswanath Das's government fell when he lost majority as Swatantra Party and Utkal Congress switched to Congress. Nandini Satpathy of INC was appointed as the Chief Minister.

							gave him time to prove the majority
19	Sikkim	1981	Slim Majority	SJP- Sikkim Janta Parishad	Congress	Congress (I)	N.B. Bandhari of Sikkim Janta Parishad merged with Congress (I)
20	Meghalaya	1981	Coalition	All Party Hill Leaders Conference	Congress	Congress (I)	Loss of majority as MLAs of All Party Hill Leaders Conference switched to Congress
21	Kerala ¹⁶²	1982	Coalition	Kerala Congress (Mani) (UDF)	Left Democratic Front	Congress (I)	Loss of majority when an MLA Lonappan Nambadan defected from UDF to LDF
22	Himachal Pradesh	1982	Coalition	Janata Party and Independents	Congress (I)	Congress (I)	Governor A. N. Banerji asked the leader of Congress (I) to form the government; therefore, Opposition MLAs switched to Congress
23	Meghalaya	1983	Coalition	All Party Hill Leaders Conference	Congress	Congress (I)	Loss of majority as MLAs of All Party Hill Leaders Conference switched to Congress
24	Jammu & Kashmir	1984	Coalition	National Congress	JKANC ¹⁶³ Supported by Congress (I)	Congress (I)	Loss of majority as Ghulam Mohammad Shah and his supporters started JKANC
25	Andhra Pradesh	1984	Majority	TDP	DTDP ¹⁶⁴ - Supported by Congress (I) ¹⁶⁵	Congress (I)	Split in TDP when NTR was in the US for a by-pass surgery

Source: Compiled by the researcher based on Kashyap (1974, p. 13,37), Kamath, (1985, pp. 1042-44), Chawla (1980), Suri, (2006, p. 289), Kashyap, Chakrabarty (2014, pp. 45-62).

Note: *Years in the Parenthesis indicate the year in which the party was established.

¹⁶² The defection of sole MLA, Lonappan Nambadan from the UDF to the LDF resulted in K. Karunakaran's government losing majority.

¹⁶³ Jammu & Kashmir Awami National Conference (JKANC).

¹⁶⁴ Democratic Telugu Desam Party (DTDP).

¹⁶⁵ With the support of Congress (I) Bhaskar Rao became chief minister for a brief period. In the subsequent elections, NTR's TDP received a landslide majority. N. Bhaskara Rao, a co-founder of TDP and finance minister in NTR's government.

In the second phase, the strength of Congress was weakened at the state level. In 1967, defections played a significant role in forming or breaking a coalition in West Bengal, Madhya Pradesh, Uttar Pradesh, Haryana, and Bihar (see Table 4.9). The defections mostly came from the Congress dissident legislators whose individual priorities prevailed over the party and ideology (Chakrabarty, 2014, p. 62). It is noted that 1967-1969 saw the imposition of the president's rule in several states because of constant instability due to defections (Kashyap, 1970). Chakrabarty (2008) highlights that in the 1960s, most parties experienced defections except for parties of extreme Right and Left due to clear ideology and strong party organisation (p.130). It might be because Centrist parties are more likely to face defections, and it is difficult for the legislators from extreme parties to move. As Volpi (2017) views, centrist parties would have pulled from many directions and lacked a well-defined ideology.

Table 4.9 presents that from 1967 to 1969 when the Congress party's strength was declining (see Table 4.4), defections were mostly away from the Congress party to new parties started by the dissidents of Congress. However, from 1971 onwards, when the Congress party emerged strong¹⁶⁶ at the centre again, it began to influence leaders from other parties to merge or switch to Congress. In 1984, after the assassination of Indira Gandhi, the Congress party was elected with the highest number of seats any party had ever won in Lok Sabha, 415 out of 542, and secured 48% of the vote share. It is said that this massive victory for Congress was mainly due to the sympathy votes after Indira's assassination (Sridharan, 2010). Between 1967 and 1983, nearly 2,700 defections were recorded in the parliament and the state legislatures. The Congress party benefited the most with 1,900 in-switches (Hardgrave & Kochanek, 2000). Congress was also trying to influence legislators to switch to the congress party to regain its hold over the state governments where it lost.

Sridharan and Varshney (2001) describe the main reasons for the decline of the Congress party. First, the newly emerged wealthy farmers who took advantage of the green revolution mostly belonged to the middle and lower castes (pp. 220-222). They opposed the domination of

¹⁶⁶ The number of seats won by the Congress party in the fifth Lok Sabha increased to 352, in the fourth Lok Sabha Congress party's seat share was 283.

the upper castes in Congress organisation. Therefore, they moved away from Congress to form non-Congress opposition.

Second, Congress faced a challenge from regionalist parties like the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu. The regionalist parties stressed the need for greater state autonomy in the Indian federal arrangement. The regionalist parties became more popular as Indira Gandhi tried to centralise the Congress party and the government (Sridharan & Varshney, 2001, pp. 220-222). In the 1980s, several new parties played a significant role in politics. For example, Bahujan Samaj Party (BSP) emerged to represent the interest of the Dalits. Simultaneously, there was the emergence of regional parties like TDP in Andhra Pradesh and Assam Gana Parishad (AGP) in Assam¹⁶⁷ (Suri, 2005, p. 19). Third, with the emergence of BSP, the Dalits moved away from Congress in states like UP and Bihar. Fourth, in the 1980s, even the Muslims began to move away from the Congress when they realised that the Congress party had failed to suppress the emergence of Hindu Right-wing parties (Suri, 2005, p. 19).

The following causes can be identified for the increased defections in this phase. First, the emergence of coalition governments in the states. In the 1967 elections, the Congress party was not a majority party in many states for the first time (see Table 4.6). This resulted in coalition governments in several states, i.e., non-Congress parties came to power in States. The legislators who were part of the state coalition governments were dissatisfied with not being accommodated as ministers, thereby constantly changing parties (Kashyap, 1970).

The coalitions were led mainly by parties with anti-Congress sentiments. Chakrabarty (2008) notes that this became both a strength and a weakness of these coalitions. The strength was that based on the anti-Congress feeling, the opposition parties could form an alliance or establish a bond to keep Congress away (Chakrabarty, 2008, p.112). It is also seen as a weakness because the bond between these non-Congress parties was not strong enough; these coalitions often broke even with a minor clash of interests.

¹⁶⁷ The TDP was established in 1983 and the AGP in 1985.

The coalition governments in various states were undermined because of defections¹⁶⁸. In this phase, except for the Communist parties and the Jana Sangh, considered extreme on the ideological spectrum and well-organised, most parties experienced defections (Chakrabarty, 2008, p.112). Defections are likely higher when no party secures a comfortable majority in the assembly. This reiterates the argument in the literature that the legislators switch mainly to fulfil their ambitions of votes, office, and policy. The legislators would defect only when alternative parties can facilitate fulfilling their ambitions and offer maximum benefits (higher than what they currently possess) exist.

Second, the emergence of opposition parties. The year 1967 is considered a watershed movement in the post-independent politics of India. It was in this year that there arose a challenge for Congress dominance in politics (Kashyap, 1969, p. 1). Out of the 16 states, the Congress party failed to secure an absolute majority in eight states, Bihar, Kerala, Madras, Odisha, Punjab, Rajasthan, Uttar Pradesh, and West Bengal. Table 4.6 presents that, barring Rajasthan, Congress could not form a government. This shows that from 1967 onwards, the electoral strength of Congress declined. However, none of the other parties received a majority in these states. Therefore, non-Congress alliances emerged, with parties across the board coming together to form the government. In this phase, the opposition emerged in a true sense.

From the late 1960s, opposition parties were no more limited to putting pressure from the margins by acting as parties of pressure like in the Congress dominance phase. Instead, they started exercising power initially at the state level and gradually moved to the centre. For the first time in many states, the non-Congress parties ruled at the state level. As a result, the Congress party was trying to regain its strength through defections (Kashyap, 1969, pp. 2-3). For instance, between 1967 to 1968, Congress had as many as 175 out-switches, but from late 1968 it saw several in-switches (Kashyap, 1970).

Like individuals, political parties are also motivated to be in power, so the parties are aware that they need to keep their legislators aligned and protect from switching and have to bring back switchers. Ironically, the emergence of opposition influenced defections in two ways. On the one

¹⁶⁸ The defections led to the fall of Congress governments in the states of UP, MP, and Haryana (Chakrabarty, 2008, p. 112).

hand, the dissatisfied Congress legislators who were not accommodated switched to other parties, or started their parties. On the other hand, the Congress party tried to bring back the legislators from other parties when the party's strength was reduced.

Third, the split in the Congress Party into Congress (O) and Congress (R) in 1969. The Congress experienced its first major split when the party was split into Congress (O) under K. Kamaraj, S. Nijalingappa, Morarji Desai, C.B Gupta, S.N Sinha, and Neelam Sanjeev Reddy and Congress (R) under Mrs. Indira Gandhi (Kulkarni, 2019). The split in the party was between the Indira faction and the party leaders who controlled the organisation. Mrs. Gandhi won in the 1971 Lok Sabha elections due to her popularity and charisma (Sridharan & Varshney, 2001, p. 219). Though Congress (O) and Congress (R) merged in 1979, the damage caused due to the 1969 split continued to weaken the party (Kulkarni, 2019). With the split in the party, many legislators initially went with Congress (O), and then when Indira's faction secured more seats, they switched to Congress (R). Further, the splits within Congress continued in the 1970s and 1980s. Along with the split in Congress, the following new political parties emerged in late 1960 due to group defections (Kulkarni, 2019).

Table 4.10

Political Parties Started in the late 1960s by the Congress Dissidents

Sl. No	State	Party	Year
1	Haryana	Vishal Haryana Party	1967
2	Andhra Pradesh	Telangana Praja Samithi	1969
3	Kerala	Kerala Congress Indian Socialist Party	1964 1969
4	Bihar	Jan Kranti Dal Soshit Dal Loktantrik Congress	1967 1968 1969
5	West Bengal	Bangla Congress People's Democratic Front Indian National Democratic Front	1966 1957 1967
6	Punjab	Punjab Janata Party	1967

Source: Compiled by the researcher.

Fourth, limitations on the resources of Congress to accommodate the diverse sections. From 1967, Congress saw an increased out-switches as it failed to accommodate different groups or cleavages. However, as the resources to keep all diverse interests were limited, Congress gradually failed to accommodate new groups, such as the intermediate castes, and agrarian interests in states that underwent the green revolution (Farooqui & Sridharan, 2016, p. 350). These limited resources and opportunities forced many legislators to start new parties or shift to other parties. From the 1960s onwards, Indian politics witnessed several deviations due to socioeconomic changes. In this period, the marginalised sections like SCs, STs, and OBCs started asserting themselves and challenging the earlier feudalistic relations. Thus, Kohli (1999), in his book *‘Democracy and Discontent: India’s Growing Crisis of Governability’*, characterised this period as the decline of the ruling party’s ability to govern.

Fifth, lack of internal democracy and weak party organisation of the Congress. Over a period, especially when the Congress was under the control of Mrs. Gandhi, the party witnessed a lack of internal democracy, and the party organisation became very weak (Farooqui & Sridharan, 2016, p. 350). Mrs. Gandhi started the centralisation of the party¹⁶⁹ and government¹⁷⁰. In this process, she ensured that only her trusted loyalists were in positions so that no one could build an independent power base (Kochanek, 2004, p.76). Hence, during Mrs. Gandhi’s tenure, many MPs depended on her patronage and promotion (Kochanek, 2004, p. 87). In this way, she established ‘political clientelism’ by giving her loyalists positions through patronage both in the party and government. Mrs. Gandhi did this to ensure that the legislators would support her and not the other factions within the party. She made sure that the legislators depended on her backing to grow politically, which she used to suppress the dissenting voices in the party.

From 1972 until her assassination in 1984, Indira Gandhi suspended conducting intra-organisational elections. During her rule, the basis to be appointed in the party organisation, distribution of party tickets, and allocating portfolios were based on personal loyalty to the

¹⁶⁹ In the 1970s, under Indira Gandhi, intra-organisational elections were suspended. Mrs. Gandhi was confident that Congress could win elections with her charismatic leadership (Sridharan & Varshney, 2001, p. 220).

¹⁷⁰ Until the year 1971, elections to the Lok Sabha and the state assemblies were held simultaneously. In 1971, Lok Sabha elections were called a year earlier by Indira Gandhi in order to de-link these two elections. It is said that she did this mainly to reduce the importance of the Congress leaders at the state level. This de-linking of elections instead of helping the Congress party over a period helped the regional parties to gain strength in the parliament and state assemblies. Gradually, the difference in voting patterns between the national and assembly elections was visible.

leadership instead of the commitment to the party (Kochanek, 2004, p. 87). This practice of appointing personal loyalists to key government posts continued during Rajiv Gandhi's time (Kochanek, 2004, p.87).

Against this context, one of the reasons several legislators switched from the Congress party was the uncertainty over their position within the party. As Chhibber et al. (2014) have put forward, when the party organisation is weak, the members are more likely to form a new party if other parties in the state are well-organised and are likely to join existing parties if organisation in other parties are weak. They underline that the members can predict their movement in the party ladder when the party is strongly organised. In opposition, it is difficult for the members to predict their future position if a single leader controls the party because there is always scope for lateral entry.

Sixth, in this phase, many OBCs and middle castes entered electoral politics and made the elections a competitive era of populism (Yadav, 1999). As the elections became competitive, the legislators whose ambitions were unfulfilled started to switch to other parties, and some started their caste-based parties.

As stated earlier, the second phase witnessed an upsurge in defections and led to the instability of state governments. This was mainly due to the above-described reasons like the rise of opposition at the state level, the weakening of Congress party organisation, the inability of the Congress to accommodate diverse interests, erosion of intra-party democracy in the Congress party, split in the Congress party, and establishment of new parties by the OBCs. As discussed in Chapter 3, the recurrent political instability led by defections forced the parliament to enforce an institutional mechanism to curb defections and ensure government stability. The following section examines how defections continued to occur even with the law that provides for the disqualification of defectors.

4.4 Party Switching in the Post-Anti-defection Law (1985-2013)

The third phase almost corresponds with the multi-party/coalition phase. This phase increased the importance of regional political parties in India. For the first time, regional political parties became significant in national politics in 1989, when neither the Congress nor any other national parties

could win a majority on their own to form the government (Jafferlot & Verniers, 2020). Thus, from 1989 onwards, India moved from one-party dominance to a competitive multiparty system. In this phase, Congress faced a challenge from Opposition parties at the national level. From 1996 there was an increase in the number of seats won by the regional parties, and no party secured a clear majority to form the government independently. This phase also witnessed the fragmentation of the party system and the electorate¹⁷¹ (Jafferlot & Verniers, 2020).

This phase is considered an unstable era as several governments fell at the centre due to the withdrawal of support by the coalition partners. The polity-wide parties¹⁷² relied on regional parties and small parties to form government at the centre (Manikandan & Wyatt, 2019). In the ninth Lok Sabha elections in 1989, Congress received just 197 seats. Despite being the largest party, Congress could not form a government because it was not ready to share power with parties willing to form a coalition government (Chakrabarty, 2014, p. 94). This allowed the National Front¹⁷³ to form a government under V.P Singh.

The emergence of the third front in 1989 aimed to provide an alternative to the coalition led by the two polity-wide parties —the Congress and the BJP. However, the Third Front governments, both during 1989 and 1996, failed to provide stable governments as alliance partners did not have ideological homogeneity or a shared common agenda (Chakrabarty, 2014, p. 93-96).

The National Front government faced two main problems. First was the fight over leadership by the senior leader Chandrashekar on the one hand and the ambition of Devi Lal on the other hand. The second problem was the lack of ownership. As both the BJP and Left parties were not part of the government, both parties would support the coalition until it was advantageous to them (Chakrabarty, 2014, p. 99). Further, Suri (2005, p. 20) characterises this phase into two sub-parts. The first is an incoherent multiparty system (1989-1998), and the second as a two-coalitional multiparty system (1998-2014).

¹⁷¹ For instance, the number of regional parties representing the Lok Sabha increased in the 13th Lok Sabha to 40.

¹⁷² Polity-wide parties are those parties that have their presence throughout the nation, unlike regional parties that are limited to state or states.

¹⁷³ The National Front had only 146 seats but it received outside support from the BJP with 86 seats and the Left parties with 52 seats (Chakrabarty, 2014, p. 98).

This phase is considered a fragmentation of the party system, and three major trends influenced Indian politics. First, the decline of Congress. Second, the rise of the BJP, and third, the rise of the stable presence of regional parties (Farooqui & Sridharan, 2016). The first was the decline of Congress and the fragmentation of the party system since Congress saw a continuous decline in its vote share; therefore, this phase was considered a post-Congress polity.

Sridharan (2010) provides seven explanations for the decline of the Congress party and the fragmentation of the party system in India. The seven reasons are as follows: growth of politicisation of social cleavages along regional lines, delinking of parliamentary and state assembly elections, growth of political consciousness and assertion of newly mobilised sections of the electorate, increased centralisation and suspension of democracy within the Congress party, efforts to capture power at states, growth of communal and caste-based cleavages in the 1990s and the systemic nature of FPTP electoral system (Sridharan, 2010).

The second trend was the rise of the BJP -this phase saw the emergence of the BJP as a national party that acted as an Opposition party to the Congress. Until 1989 the BJP and its predecessor, the BJS (Bharatiya Jana Sangh), had never received more than 10% of the vote share and 35 seats (Sridharan, 2010). The party's vote and seat share saw an increasing trend from 1989. For the first time secured 20% of the votes and 120 seats primarily due to the Ram Janmabhoomi movement (Sridharan, 2010). After this election, the BJP moved from merely a Brahmin-Baniya party to include OBCs, Adivasis, and Dalits (Yadav, 1999). Surprisingly, Congress and the BJP were similar on most policy matters in the 1980s. The whole political spectrum of parties offered a minimal range of policy options (Yadav, 1999).

Examining from an ideological aspect Sridharan and Varshney (2001, p. 215) call the third phase moderate pluralism. It means a political system has a centrist tendency despite several parties and cleavages. Even though extremist religious or ethnic parties existed in this phase, they had to moderate their position to coalition pressure. They further underscore that, in contrast, extreme pluralism would have broken the political system and resulted in overthrowing democracy (Sridharan & Varshney, 2001, p. 215).

The authors cite the example of the BJP and how, led by coalition compulsion, the party had to move from an extreme position to a moderate position. The BJP, in fact, temporarily

dropped its major agendas like the construction of the Ram temple at Ayodhya, the formulation of the Uniform Civil Code, the removal of Article 370, and the abolition of the National Commission for Minorities (Sridharan & Varshney, 2001, p. 216). Until 1992, BJP openly used its Hindutva ideology, it had fielded *sadhu sants* (religious men) as candidates, and seven among these were elected (Pai, 1998, p. 843). But after the demolition of the Babri mosque in 1992, the BJP leadership realised the limitation of religious mobilisation. In addition, several surveys post-demolition of the Mosque showed that most urban residents and graduates viewed the demolition of the Babri Mosque as unjustified. All these indicate that religious identities' role in influencing voters' political choices was declining.

Besides this, in north India, caste-based identities gained more prominence than religious identities. For instance, the electoral success of the Samajwadi Party (SP) and BSP in UP and JD in Bihar proved that caste mattered more than religion (Pai, 1998, p. 843). In 1995, BJP, in its party meeting, decided that the party would broaden its appeal to appropriate all sections of Hindus. As a result, the party started taking up development and caste-based issues (Pai, 1998, p. 843). For instance, the party started focusing on economic issues like *Swadeshi* (to make India self-reliant). In the election campaign, the BJP, instead of the Hindutva ideology, raised other issues like corruption, farmer's problems, and inflation. The BJP mainly tried to moderate its Hindutva ideology due to coalition compulsions (Pai, 1998).

The third trend was regionalisation. From the 1980s, India transformed from a single-dominant to a region-based multi-party system. In this context, Pai (1998) calls it 'regionalisation'. In this phase, the government formation revolved around two poles, the BJP and INC; however, the role of regional parties in the formation of the government was vital (Pai, 1998). Further, between 1984 to 2014, the regional parties received 43 to 54% of the votes (Aiyar & Sircar, 2020, p. 2). In the 1990s, the three 'M's changed Indian politics, i.e., Mandal, Mandir, and Market¹⁷⁴. These three aspects led to realignment in Indian politics.

¹⁷⁴ The Mandal is the rise of OBC identity with the implementation of Mandal Commission recommendations by V.P Singh's government in 1991. The Mandir refers to the use of temple/religious identity by the BJP to mobilise the Hindus against others (Chakrabarty, 2014, p. 104). The Market refers to the opening of the Indian economy to the world with the introduction of Liberalisation, Privatisation and Globalisation.

Further, in this phase, the two national parties made several changes regarding party ideology and organisation. The two polity-wide parties were ready to share power with the regional parties (Pai, 1998, p. 850). In this phase, neither of the two main alliances, the National Democratic Alliance (NDA) or United Progressive Alliance (UPA), did not have common objectives or ideologies. These alliances were mainly short-term tactical arrangements by ambitious politicians. The alliances were made, keeping the mutual benefits the parties would receive by being part of alliances (Pai, 1998, p. 850). The regional parties allied with the BJP or INC tried to improve their political position in their respective states and increase their role and bargaining power with the centre (Pai, 1998,).

Besides this, the 1990s witnessed an expansion in the choices available to voters. There was an increase in the number of parties entering Lok Sabha. This decade saw elections of many MPs and MLAs from OBC castes who had never had a community representative in the parliament and state assemblies (Yadav, 1999). This phase saw greater politicisation of OBCs and an increase in the vote percentage of Women, Dalits, and Adivasis. Yogendra Yadav describes this as the ‘second democratic upsurge’¹⁷⁵ (1999). Similarly, Jafferlot and Kumar (2009) use the phrase ‘rise of plebeians’ to indicate an increase in the marginalised section's electoral participation.

Table 4.11
Major instances of Defections in States in the Third Phase (1985-2013)

Sl. No	State	Year	Type of Government	Defected From	Defected To	Ruling Party at the centre	Main Reason for Defection
1	Mizoram	1988	Majority	Mizoram Democratic Front	MDF (D)	Congress	Defections by MDF MLAs reduced the government to a minority status. Hence, the president's rule was imposed.
2	Goa	1990	Coalition	MGP & UGP	Congress	National Front	No party received a majority, so MLAs switched to Congress, which had the highest seats.

¹⁷⁵ Yadav (1999) explains that the first democratic upsurge occurred in the 1960s when the political awakening increased among the OBCs.

3	Meghalaya	1991	Coalition	Hill People's Union	NA	Congress	Speaker disqualified five independent MLAs over defection
4	Meghalaya	1992	Coalition	Hill People's Union	Congress	Congress	MLAs from the ruling coalition defected to the Congress
5	Manipur	1992	Coalition	Manipur People's Party	Congress	Congress	MPP MLAs defected to support Raj Kumar Dorendra Singh as chief minister
6	Uttar Pradesh	1995	Coalition	BSP	SP	Congress	BSP withdrew support to SP, so Mulayam Singh Yadav influenced BSP MLAs to switch to SP
7	Gujarat	1996	Majority	BJP	Congress	Congress	Suresh Mehta lost the majority when Shankar Singh Wagela defected with a bunch of MLAs from BJP to the Congress ¹⁷⁶ .
8	Manipur	1997	Majority	Congress	Start-up-MSCP	NDA	When the BJP-led NDA government was formed at the centre Group of MLAs from Congress led by Wahengbam Nipamacha started MSCP
9	Uttar Pradesh ¹⁷⁷	1997	Coalition	BSP	BJP	NDA	BSP withdrew its support to the BJP
10	Arunachal Pradesh	1998	Majority	Arunachal Congress	Arunachal Congress (M)	NDA	Mukut Mithi broke away from Arunachal Congress and formed Arunachal Congress (Mithi)
11	Karnataka	1998	Slim Majority ¹⁷⁸	Janata Dal	LS ¹⁷⁹	NDA	Ramakrishna Hegde was expelled from JD, and as a result, Hegde started the Lok Shakti party
12	Arunachal Pradesh	1999	Majority	Congress	Arunachal Congress (Mithi)	NDA	Split in the Congress

¹⁷⁶ The then Governor of Gujarat, Krishna Pal was favouring the Congress.

¹⁷⁷ In UP, in the year 1997, Kalyan Singh rewarded as many as 94 defectors with ministerial posts leading to the jumbo-sized cabinet of 98 ministers (Maheshwari & Malhotra, 2020).

¹⁷⁸ The Janata Dal had won just two seats more than the majority mark of 113.

¹⁷⁹ The Lok Shakti (LS) and Samata parties were in alliances with the BJP.

13	Goa	1999	Slim Majority ¹⁸⁰	Congress	Congress-Francisco-Sardhina	NDA	Francisco- Sardhina broke away from Congress and formed a government with the support of the BJP
14	Uttar Pradesh	2003	Coalition	BSP ¹⁸¹	SP	NDA	SP lacked the majority to form a government on its own so Mulayam Singh engineered BSP MLAs to join SP
15	Arunachal Pradesh	2003	Majority	Congress	UDF	NDA	Gegong Apang and a group of MLAs split the party
16	Goa	2005	Coalition	BJP led alliance	Congress	UPA	Coalition MLAs defected to Congress
17	Karnataka	2008	Coalition	JD(S) & Congress	BJP	UPA	JD(S) & Congress MLAs switched to BJP
18	Meghalaya	2009	Coalition	United Democratic Party	Congress	UPA	UDP MLAs supported D D Lapang to form a government

Source: Created by the researcher based on Ranjan (2020), Pai (1998,), Malhotra (2005), & newspaper articles.

Table 4.11 illustrates that despite the enforcement of anti-defection law in the third phase, party switching continued to alter the balance of power in several state legislative assemblies. Furthermore, the table shows that in the third phase, the small states were affected more by defections than the large states. This could be because, in small states, it is easy for the parties to split and escape disqualification and also claim a merger, as the number of MLAs necessary to claim 2/3rd will be less. The above table also reflects that the defections affect state governments with coalition governments or governments with a slim majority more than the states with majority governments. Like the first two phases, in the third phase, the party in power at the centre benefited more from the defections by bringing down the elected governments led by opposition parties and installing its government.

For the first time, BJP's efforts to encourage splits in other parties and accept the defectors were seen in UP in 1997. This event is considered a shift towards the pursuit of power by the BJP. Earlier, BJP was limited to capturing votes based on its Hindutva ideology by an alliance with various regional parties (Ramakrishnan, 1997). The strategy used in UP was called 'Kalyan Singh

¹⁸⁰ The Congress had won exactly 21 seats - the majority mark to form the government.

¹⁸¹ The BSP had challenged the shift of the BSP MLAs to the SP, and the Supreme Court disqualified 11 MLAs in 2007. Ironically by the time the Court gave its decision, the term of the assembly had come to an end (Ranjan, 2020).

Line’; it was considered to follow the Congress strategy of acquiring power through defections. Simultaneously, even RSS had become more willing to gain political power quickly. The perception within the RSS was that if BJP failed to come to power at the centre, it would lose the power game (Ramakrishnan, 1997). Kalyan Singh favoured defections in UP¹⁸², saying that welcoming leaders from other parties will increase the party's strength in the assembly and strengthen the party at the grassroots level. The success of the UP strategy motivated the party to follow the same at the centre.

In this phase, within the Congress party, Sonia Gandhi’s entry reduced factions, resignations, and defections in the party. Her entry gave a fillip to the demoralised leadership and the rank and file of the Congress. However, the influence of the Sonia factor was not uniform across all states (Pai, 1998, p. 836). In this phase, Congress saw many splits/breakaways. The three significant splits are; in Maharashtra, Sharad Pawar moved out of Congress Party to form his Nationalist Congress Party (NCP) (Kulkarni, 2019). In West Bengal, Mamata Banerjee, a two-term MP in Congress, formed Trinamool Congress Party (TMC). Similarly, in AP, Y. S Jagan Mohan Reddy, son of Y S Rajashekar Reddy (YSR), formed his party called Yuvajana Shramika Rythu Congress Party (YSRCP), when he was side-lined by the Congress ‘high command’ after the demise of his father YSR (Kulkarni, 2019). In all these three states, Congress lost its base to a great extent. In addition, the Congress party was split in the union territory of Puducherry in 2011.

Table 4.12
Major Breakaway Parties from Congress and their Present Strength

Sl. No	State	Breakaway Party	Year of breakaway	Present Strength of Congress Party	Present Strength of Breakaway Party i
1	Maharashtra	NCP	1999	1 MP & 42 MLAs	5 MPs & 41 MLAs
2	West Bengal	TMC	1998	1 MP & Nil- MLAs	22 MPs & 211 MLAs
3	Andhra Pradesh	YSRCP	2011	Not a single MP or MLA	22 MPs & 151 MLAs
4	Puducherry	AINRC	2011	14 MLAs	16 MLAs

Source: Created by the researcher based on the newspaper reports and election results data from ECI.

¹⁸² Kalyan Singh expected that each Congress and BSP MLA had a personal vote of 3 to 4% (Ramakrishnan, 1997). If the vote percentage of the defectors is added to the vote percentage of the BJP, then the BJP can come to power.

As Table 4.12 indicates, the present strength of the breakaway parties in all three states and in the union territory is higher than the Congress party. Along with the major breakaways experienced by the Congress party, the Janata family of parties and several regional parties experienced splits (see Table 4.13 & 4.14). It is significant to note that the main reason for the growth of splits among the parties was that the anti-defection law disqualified individual defections. As a result, the disgruntled legislators in most parties chose the option of splits to avoid disqualification.

Table 4.13
Regional Parties that Experienced Splits in Lok Sabha (1986 to 2005)

Sl. No	Year	Party Seeking Split	Name of the Split Group
1	1986	Shiromani Akali Dal	Akali Dal (Badal) Akali Dal (Barnala)
2	1988	AIADMK	AIADMK-I AIADMK-II
3	1991	Janata Dal	Janata Dal (S)
4	1992	Shiv Sena	Shiv Sena (B)
5	1992	TDP	TDP (V)
6	1992	Janata Party	Samajwadi Party
7	1993	Janata Dal	Janata Dal (A)
8	1994	Janata Dal	Samata Party
9	1996	Samata Party	Samajwadi Janata Party (Rashtriya)
10	1997	Janata Dal	Rashtriya Janata Dal
11	1999	Arunachal Congress	Arunachal Congress (M)
12	2000	Janata Dal (United) (First)	Janata dal (Samata)
13	2000	Janata Dal (United)	Lok Jan Shakti Party
14	2001	Rashtriya Janata Dal	Rashtriya Janata Dal (Democratic)
15	2001	Kerala Congress (M)	Kerala Congress (T) (Thomas)
16	2001	Rashtriya Lok Dal	Lok Dal (Secular)
17	2002	Lok Jan Shakti Party	Janata Dal
18	2003	Janata Dal (United)	Janata Dal (United) Democratic
19	2003	Rashtriya Janata Dal (Democratic)	Simanchal Vikas Party
20	2004	Rashtriya Janata Dal (Democratic)	Shoshit Kranti Dal

Source: Malhotra (2005).

Table 4.14
List of Splits in the State Assemblies (1985 -2005)

Sl. No	State	Date & Year	Party Seeking Split	Name of the Split away Party
1	Arunachal Pradesh	27/07/2003	INC	Congress (D)
2	Assam	20/05/1996	All India Indira Congress (Tiwari)	A New Group
3	Bihar	28/07/1997	Janata Dal	Janata Dal (Loktantirk)
		24/11/2000	Janata Dal (U)	Jana Shakti Party
		29/07/2002	Janata Dal	Janata Dal Dal (U)
4	Chhattisgarh	06/11/2000	Bahujan Samaj Party	Bahujan SamajParty (Chhattisgarh)
		20/12/2001	Bharatiya Janata Party	Chhattisgarh Vikas Party
5	Gujarat	18/08/1996	Bharatiya Janata Party	Maha Gujarat Janata Party
6	Haryana	06/11/1990	Janata Dal Legislature Party	Janata Dal (Socialist)
		17/07/1991	Bharatiya Janata Party	Bharatiya Janata Party (K)
		19/08/1991	Janata Dal Legislature Party	Janata Dal (H)
		06/07/1993	Janata Dal Legislature Party	Janata Dal (V)
		02/09/1993	Haryana Vikas Party	Haryana Vikas Party (A)
		21/07/1993	Haryana Vikas Party	Haryana Vikas Party (Democratic)
7	Himachal Pradesh	14/11/1990	Janata Dal	Janata Dal (S)
		24/07/1991	Janata Dal (S)	Himachal Congress
		30/06/1992	Janata Dal (S)	Himachal Vikas Manch
		10/03/1998	Himachal Vikas Congress	Himachal Kranthi Party
8	Karnataka	27/08/1996	Janata Dal Legislature Party	Separate Legislature group of Janata Dal
		22/10/1999	Janata Dal	Janata Dal (S) & Janata Dal (U)
		11/07/2000	A separate group Janata Dal	Independents
9	Kerala	10/12/1993	Kerala Congress (M)	Kerala Congress (Jacob)
		25/03/1999	Revolutionary Socialist Party	Revolutionary Socialist Party (Baby John)
		11/06/2003	Nationalist Congress Party	Congress Socialist
10	Maharashtra	15/03/1989	Janata Party	Janata Dal
		26/07/1991	Janata Dal	Maharashtra Congress Dal
		05/12/1991	Shiv Sena	Shiv Sena (B)
		27/03/1992	Shiv Sena (B)	Shiv Sena (C)
		30/12/1993	Janata Dal	Samajwadi (B)
		23/10/1999	Samajwadi Party	Samajwadi (B)
		09/10/2002	Bharip Bahujan Mahasangh	Bharip Bahujan Mahasangh (B)
		07/02/2000	HSPDP (M)	HSPDP(M)
		02/04/2001	PDM	PDM (CM)
		07/11/2001	UDP	MUDP

11	Meghalaya	07/11/2001	United Democratic Party	United Democratic Party (Meghalaya)
		15/12/2003	Nationalist Congress Party	Meghalaya Congress Party
12	Mizoram	02/05/1994	Mizo National Front	Mizo National Front (B)
13	Nagaland	30/07/1988	Congress (I)	Congress Regional
		15/05/1990	Congress (I)	Congress Regional
		14/12/1990	Nagaland People's Council	Nagaland People's Council (original)
		25/10/1993	Democratic Labour Party	Democratic Labour Party (S)
		16/03/1994	Nagaland People's Council	Nagaland People's Council Democratic Party
14	Punjab	16/05/1993	Bharatiya Janata Party	Bharatiya Janata Party (Punjab)
15	Rajasthan	01/01/1994	Janata Dal	Bharatiya Janata Dal
16	Sikkim	15/05/1994	Sikkim Sangram Parishad	Sikkim Sangram Parishad (S)
		25/07/1995	Sikkim Sangram Parishad	Sikkim Sangram Parishad (R)
17	Uttar Pradesh	26/11/1990	Janata Dal	Janata Dal (Samajwadi)
		29/09/1992	Janata Party	Samajwadi Party
		04/03/1994	Communist Party of India	Samatawadi party
		24/03/1994	Janata Dal	Samata Group
		23/06/1994	Janata Dal	Samata Group
		29/06/1994	Janata Dal	Pragatisheel Janata Dal
		22/07/1994	Janata Dal	Samata Group
		07/09/1994	Bharatiya Communist Party	Samata Group
		03/06/1995	Bahujan Samaj Party	Bahujan Samaj Party (Raj Bahadur)
		23/06/1995	BSP (Raj Bahadur)	Bahujan Samaj Party
		20/10/1997	Indian National Congress	Loktantrik Congress Party
		20/10/1997	Janata Dal	Janata Dal (Rajaram Pandey)
		22/02/2001	Jantantrik Bahujan Samaj Party	Jantantrik Bahujan Party (Markendeya Chand)
		03/05/2002	Lokjanshakti Party	Lokjanshakti Party (Rajaram Pandey)
		26/11/2002	Janata Dal (U)	Manjhi Mahawar Shoshit Dal
		28/01/2003	Indian National Congress	Akhil Bharatiya Congress
		03/02/2003	Akhil Bharatiya Congress Party	Ekta Party
		11/02/2003	Rastriya Parivaratan Dal	Rastriya Alpashankyak Party
		29/03/2003	Apna Dal	Vastavik Apna Dal
		03/09/2003	Janata Party	Ekta Party
		06/09/2003	Bahujan Samaj Party	Loktantrik Bahujan Dal
		15/09/2003	Samata Party (Rajaram)	Samata Party
		30/09/2003	SJP (Rastriya)	SJP (Ram Govind)
		04/10/2003	Apna Dal	Apna Dal (A)
18	Delhi	02/04/1996	Janata Dal	Janta Dal (Bidhuri)

Source: Created by the researcher based on Malhotra (2005).

Malhotra (2005) notes that between 1985 and 2005, nearly 22 requests were made for splits, and 20 splits were accepted in Lok Sabha. Similarly, 71 requests were made for splits in the state assemblies, and all were accepted. The reason for a high number of splits is that legislators and parties choose the way of splits to escape disqualification. Until 2003, if 1/3rd party members decided to break away from the party through the split, they were exempted from disqualification. However, the exemption of splits was removed by the 91st amendment. Table 4.13 and 4.14 reflect that the Janata party experienced the most significant number of switches due to splits. Unsurprisingly, Uttar Pradesh, being the largest state in terms of strength of the legislature, had as many as 25 splits in the state legislature.

Table 4.15
Number of Petitions and MLAs Disqualified (1985 -2005)

Sl. No	State	Number of Petitions Filed	Number of MLAs Disqualified
1	Andhra Pradesh	1	1
2	Assam	2	7
3	Bihar	1	0
4	Goa	19	12
5	Gujarat	1	1
6	Haryana	23	11
7	Himachal Pradesh	1	0
8	Karnataka	2	0
9	Kerala	2	1
10	Madhya Pradesh	3	8
11	Maharashtra	5	7
12	Manipur	9	9
13	Meghalaya	6	7
14	Mizoram	2	0
15	Nagaland	7	15
16	Odisha	3	2
17	Punjab	2	23
18	Pondicherry	9	6
19	Rajasthan	5	0
20	Sikkim	3	0
21	Tamil Nadu	3	3
22	Arunachal Pradesh, Jammu and Kashmir, Jharkhand, Tripura, UP, Uttaranchal, West Bengal, and Delhi	0	0
	Total	164	113

Source: Malhotra C.B. (2005).

Table 4.15 displays that more MLAs were disqualified in smaller states like Goa, Punjab, Haryana, Nagaland, Manipur, and Assam than in bigger states like Uttar Pradesh, Andhra Pradesh, Karnataka, Maharashtra, and Tamil Nadu. Interestingly, eight states did not have a single petition against defections. However, we cannot outrightly say that there were no defections in these states because the states had group switching in the form of splits and mergers. Besides, several MLAs would have switched at the end of the term. Also, the defection of MLAs will be decided only when a defection petition is filed in the state legislature. At times the parties that see out-switches of MLAs might not even file the defection petitions. From 1985 to 2009, 88 cases of disqualifications were filed in the Lok Sabha, and 26 MPs were disqualified.

In the third phase, with the anti-defection law in place, there were nearly 2,410 defections in the state legislatures. However, only 164 petitions were filed, and 113 MLAs were disqualified. Surprisingly, only 5% of the defected MLAs were disqualified. The disqualification of a small percentage of defectors provides insights into two things. First, in the third phase, more than the individual defections, there were group defections through mergers/splits; this might be one of the reasons for fewer defection petitions. Second, though the number of defections is more, the number of MLAs disqualified is minimal because, in most cases, Speakers of legislative assemblies might exhibit their partisan nature and might not disqualify MLAs of the ruling party.

In addition, Speakers will act only when a petition on disqualification is filed. There might be several instances where petitions would not have been filed despite many defections. Jensenius and Suryanarayan (2017), in their study, highlight that between 1987 to 2007, nearly 17% of MLAs contested from a different party label than the one they had competed in the previous elections. This further emphasises that the percentage of defections at the state level is higher, and the anti-defection law has failed to curb the defections as the number of defected MLAs disqualified is very low despite a high number of defections.

Table 4.16
Petitions for Disqualifications, Splits, and Mergers (1985-2005)

Sl. No	Category	No. of Petitions Filed	No. of Petitions Accepted
1	Petitions against Lok Sabha MPs	39*	13 MPs were disqualified
2	Mergers in Lok Sabha	13	12
3	Splits in Lok Sabha	22	20
4	Petitions against Rajya Sabha MPs	2	2
5	Mergers in Rajya Sabha	13	13
6	Splits in Rajya Sabha	10	10
7	Petitions against MLAs in states	164	113
8	Mergers in State Assemblies	81	81
9	Splits in State Assemblies	71	71
10	Mergers in State Legislative Councils	7	7
11	Splits in State Legislative Councils ¹⁸³	7	7

Source: Created by the researcher based on Malhotra (2005).

Note: *Out of 39 petitions for disqualification of Lok Sabha MPs, 19 petitions were dismissed.

Table 4.16 shows that two splits¹⁸⁴ and one merger was not allowed in Lok Sabha, and all other demands for mergers and splits were accepted in Rajya Sabha, State Legislative Assemblies, and Councils. The increase in the number of splits and mergers and the acceptance of the demands for splits and mergers indicates that with the enforcement of anti-defection law, political parties and legislators chose the route of splits and mergers to escape disqualification. Figures in Table 4.13 and 4.14 on splits and figures in Table 3.3. on mergers in the state assemblies, we can notice that after the introduction of the anti-defection law, the political parties have invented newer ways to manipulate the provisions of the law. Instead of individual defections, legislators started to switch in groups.

The probable reasons for fewer individual and higher group defections are as follows: First, the defectors, to escape disqualification from the house, choose the route of splits, mergers, or start-ups instead of individual defections. Thereby, though individual defections were reduced,

¹⁸³ Legislative councils of Bihar, Jammu and Kashmir, Maharashtra, Karnataka, and UP were examined. However, the cases for splits and mergers were filed only in the states of Karnataka and UP Legislative councils.

¹⁸⁴ The two splits were not accepted due to dissolution of Lok Sabha (Malhotra, 2005).

there was a rise in group defections. Similarly, Nikolenyi (2008) underscores that the number of political parties increased after the passage of the anti-defection law in India.

The anti-defection law punishes the legislators' switching parties after elections; hence, the dissatisfied legislators established political parties before the elections instead of switching the parties in between the elections. This increased the number of small parties in India. For instance, the number of unrecognised parties increased from nine in 1984 to 85 in 1989 (Nikolenyi, 2008). Besides increasing the number of small parties, this phase also witnessed a greater number of splits and mergers that continued to destabilise the state governments (see Table 4.13, 4.14, 3.2, and 3.3 to note the number of splits and mergers in the parliament and state legislatures).

Second, in the 1980s, with the increase in the number of regional and caste-based parties and their electoral significance, states, unlike in the congress dominance phase, started having coalition governments as most state assemblies did not see a clear majority. The legislators of regional and small political parties being partners in the coalition governments might have been able to realise their political ambitions of votes, office, and policy. Thereby, legislators would have been able to negotiate with the coalition partners to fulfil their demands in exchange for their support to the coalition governments. Hence, the number of individual defections might be low.

From 1989 to 2014, coalition governments became a norm at the centre and in several states. As a result, several political analysts predicted that coalition governments would be the new normal in Indian politics for several years, given the diversity in India. However, against this prediction, in 2014, a single party won a majority at the centre. With the emergence of single-party rule at the centre, defections to the party in power at the centre increased and resulted in the destabilisation of several state governments. In the fourth-party system, a new strategy¹⁸⁵ of defections used extensively in 2008 in Karnataka, was employed in other states. In addition, the political parties continue to use the provision of exemption of mergers. Despite having the anti-defection law for 37 years, party switching has altered the balance of power in several state

¹⁸⁵ The new strategy was a way to escape disqualification for switching parties under the anti-defection law. It was first used in Karnataka where the elected MLAs of Congress and JD(S) resigned their seats and joined BJP. This was known as '*Operation Kamala*' (operation Lotus). In Telangana, a similar strategy was referred to as '*Operation Akarsh*' (operation attraction).

assemblies in the fourth-party system. Hence, the following section examines the rise of the BJP and the increase in party switching from 2014 to the present.

4.5. Rise of the BJP and Defections in the Fourth-Party System (2014-2022)

The 2014 Lok Sabha elections marked a significant shift in Indian politics because a single party, the BJP, achieved a clear majority in the Lok Sabha after the 1984 election. Palshikar and Suri (2014, p. 42) have highlighted that the BJP benefited from three key factors. First, the increased dissatisfaction with the UPA government due to weak leadership and poor governance. The second was a relatively higher level of dissatisfaction with the Congress state government and a relatively higher level of satisfaction with BJP's state governments. The third factor was the leadership choice of Narendra Modi, popularly known as the 'Modi effect'.

The reasons for the victory of the BJP are broadly categorised into factors external and internal to the party (Suri, 2021a). The factors external to the party are: First is the decay and decline of the Congress party and many of the regional parties. In the 2014 elections, the Congress party won just 44 seats and received 19.3% of the votes; in 2019, it won 51 seats and 19.49% of the votes. This was the Congress party's lowest electoral performance from 1952. In contrast, BJP secured 282 seats and 31 % of votes in 2014 (ECI, 2014). In 2019, the BJP received 37.36% votes and 303 seats (ECI, 2019)¹⁸⁶.

The reasons for the decline of the Congress party were organisational weakness, ideological stagnation, and shrinking social support (Hasan, 2018, p. 155). The Congress party's organisation was weakened during Indira Gandhi when she tried to establish a direct link with the voters. Although in the 1990s, Sonia Gandhi initiated some measures to strengthen the party organisation, she was not successful. The Congress could not strengthen its organisation, despite being in power for a decade between 2004 and 2014 (Hasan, 2018).

Besides its organisational weakness, the Congress party failed to show ideological clarity. On the one hand, in some public speeches, the party leadership said that the party is with the business people and the corporate sector. On the other hand, on other occasions, the party said it

¹⁸⁶ Prime Minister Modi describes the trajectory of the BJP as '*Do Se Dobara*,' (from being two to the second term) BJP which won just two seats in 1984 Lok Sabha elections to the party that secured a second consecutive term in 2019.

stands for the pro-poor (Hasan, 2018, p. 162). In addition to the lack of ideological clarity, the party's support base was shrinking. By the 1990s, Congress had lost its support base to the small and regional parties. Once an 'Umbrella party', Congress could no longer hold different social groups.

Parallel to the decline of the Congress party, the strength of regional parties also witnessed a decline from 2014. For instance, between 1996 and 2014, regional parties' vote share was around 50%; it reduced to 48.6% in 2014 (Vaishnav & Hinton 2019). However, in his article, Kailash (2014) has shown that not all regional parties saw a decline in vote share. He highlights that in the 2014 Lok Sabha elections, regionalist parties¹⁸⁷ like the BJD, AITC, AIADMK, and Shiv Sena performed well.

In contrast, regional parties like RJD, SP, and BSP performed poorly. He underscores that this was due to the differential strategy followed by the BJP in states where regional and regionalist parties existed. He highlights that in states where regionalist parties were strong, like in West Bengal, Maharashtra, Odisha, and Tamil Nadu, BJP focused on issues of leadership, governance, and development. Conversely, in states where regional parties were the leading players, the BJP used its nationalist agenda or issue of a strong-centre and tried to consolidate its social coalition (Kailash, 2014).

In the 2019 Lok Sabha elections, the regional party's strength was further reduced to 43.2% seat share (Vaishnav & Hinton, 2019). Correspondingly, Aiyar and Sircar (2020) highlight that the growth of the BJP has led to a decline in the strength of regional parties. They argue that the popularity of Modi, the increased electoral performance, and the BJP's ideological project have led to the centralisation of national politics. This has resulted in Split-Ticket Voting (STV), where the voters choose a different party in the national and assembly elections (Aiyar & Sircar, 2020).

The authors underscore that the 2019 Lok Sabha elections have seen an increase in the prevalence of STV. As a result, national parties have an advantage in national politics, and the

¹⁸⁷ Scholars like Adam Ziegfeld (2012) and Kailash (2014) have differentiated between a regional and a regionalist party. One common feature among both these types of parties is their limited or narrow geographical base. A regionalist party is one that appeals using 'regionalist agenda' (aims to protect state's honour, pride, bring changes to the centre-state relations) In contrast, a regional party does not have such regionalist agenda and they are like national parties except that they are geographically limited but they do aim to become polity-wide party (Kailash, 2014).

proportion of votes received by the regional parties in national elections decreases. This has reduced the role of regional parties as ‘kingmakers’ who had the option to choose one or the other coalition for nearly two and half decades (Aiyar & Sircar, 2020). It has also decreased regional parties' role in national politics regarding electoral performance and bargaining power (Aiyar & Sircar, 2020). Second, the failure of the non-Congress and non-BJP parties to form a stable government. Third, lack of alliance among the non-BJP Opposition (Suri, 2021a).

In addition to the external factors, the factors internal to the BJP contributed to its rise. First, BJP’s social engineering¹⁸⁸ strategy helped the party to improve its seats in 2014 and 2019 (Suri, 2021a). In the 1990s, BJP was limited to the Hindi belt. However, it had a pan-India presence by 2019. It expanded in rural areas; its vote share increased across different social classes.

Second, an ideological shift in the economic sphere. In contrast to the Congress party, which had failed to exhibit ideological clarity, BJP openly supported its pro-business ideology while promising welfare schemes for the poor. For instance, in 2014, Modi spoke the language of economic development and good governance more than the Hindu majoritarian ideology¹⁸⁹. (Sridharan, 2014, p.24). Adding to this, Hasan (2018, p.164) highlighted that the 2014 elections were not just a shift in the party politics but also witnessed a change in ideology- a move towards right-wing politics. In the economic sphere, BJP emphasised the neo-liberal policy favouring the corporate taxpaying class (Hasan, 2018, p.164). There was a reduction in the budget allocated to SCs/STs and Integrated Child Development Scheme (ICDS), also replacing the Planning Commission with the NITI (National Institute for Transforming India) Aayog (Hasan, 2018, p.164).

Third, the ‘Modi factor’, the role of leadership. From 2013 onwards, most surveys showed that most respondents favoured Narendra Modi as the prime ministerial candidate (Sridharan, 2014). According to the CSDS-Lokniti survey, most of the voters who voted for BJP in 2014 expressed that if Modi were not the prime ministerial candidate, they would not have voted for BJP (Shastri & Syal, 2014). In addition, Modi’s social background, belonging to the OBC

¹⁸⁸ The term social engineering means realisation that in order to succeed in elections, they had to move beyond their traditional social base of Brahmin and Baniya to include the numerically large sections among the Hindus, i.e., the OBCs, SCs/STs. As a result, BJP saw an enormous increase in the percentage of votes from these groups (Aiyar & Sircar, 2020).

¹⁸⁹ Narendra Modi had promised to bring the Gujarat developmental model (Sridharan, 2014, p. 24).

community and the image of *chaiwala*¹⁹⁰ (a person who sells tea), and his political journey¹⁹¹ helped him in his popular appeal (Suri, 2021a). In 2014, for the first time in India, parliamentary elections were run like a presidential election, where the voters were asked to vote for the leadership. The Opposition had failed to put up a popular leader who could compete with Modi head-to-head¹⁹² (Vaishnav & Hinton, 2019).

Fourth, the BJP's control of the media and usage of Information and Communication Technologies (ICTs) in its campaign. The BJP effectively used television, social media, and the internet to run its campaign (Sridharan, 2014, p. 28). Further, the media was heavily used to criticise Congress for everything that had gone wrong in the country and to create a 'Modi wave'. It was found that Modi dominated nearly 1/3rd of the prime-time news telecast on five major channels (Hasan, 2018, p.163). She further underscores that the media was used to 'manufacture dissent for the UPA' and 'to manufacture consent for Modi'.

Fifth, financial resources; presently, BJP has the upper hand in the party's financial resources compared to other political parties¹⁹³. Sixth, increased voter mobilisation- Sridharan (2014, p. 24) finds a strong relationship between the increase in voter turnout and the victory of the BJP. He highlights that in constituencies that saw an increase in voter turnout by 10 to 15%, most of the votes went to the BJP. This relationship indicates that BJP's efforts to mobilise its voters paid electoral rewards (Sridharan, 2014, p. 24).

Seventh, welfare schemes launched by the BJP government. The BJP continued many popular welfare schemes that were started during UPA and introduced a few new schemes. The delivery of various welfare schemes received much praise¹⁹⁴. Studies have shown that those who

¹⁹⁰ He claimed himself to be the son of a tea seller and who himself had sold tea in railway stations. In contrast, he criticised Rahul Gandhi for having a dynastic background as Rahul Gandhi was a son, grandson, and great-grand-son of prime ministers of India (Sridharan, 2014, p. 29).

¹⁹¹ Narendra Modi had served as chief minister of Gujarat for four terms before being elected as prime minister.

¹⁹² For instance, unlike Modi, who showed his ability to lead, Rahul Gandhi failed to exhibit his ability to lead. Though his speeches made sense, he failed to connect with the voters (Hasan, 2018, p.162).

¹⁹³ More details on financial contributions of parties are discussed in the fourth point on the reasons for the rise of defections in the fourth party system.

¹⁹⁴ The schemes like *Ujjwala* (free cooking gas connection), *Ayushman Bharat* (free hospital treatment for the needy), *PM Kisan* (income support for the farmers), *PM Awas* (free housing scheme), *Jan Dhan Yojana* (financial inclusion of the poor through opening bank accounts), received much focus.

benefited from the welfare schemes were more likely to vote for the BJP (Chhibber & Verma, 2019; Deshpande et al., 2019).

Based on multiple criteria like electoral dominance¹⁹⁵, ideological hegemony, organisational and financial prowess, charismatic leadership, geographical spread¹⁹⁶, and the inclusion of diverse sections¹⁹⁷, scholars like Sridharan (2014), Palshikar (2017), Chhibber and Verma (2019), and Vaishnav and Hinton (2019) have called BJP as a dominant party.

Conversely, Ziegfeld (2020) describes that it is premature or too early to call BJP a dominant party because, according to the literature on comparative politics, a party is categorised as 'dominant' based on the number of years the party is in power. As per the literature, a party to receive the status of a dominant party must be in power for at least twenty straight years or win five or more terms consecutively.

According to Ziegfeld (2020), BJP is yet to receive the status of a dominant party based on the established criteria in the literature. Further, he explores if BJP possesses the necessary structural party system advantages that the dominant parties include. He highlights that BJP lacks several of these advantages. First, for the past several years' elections in India have been volatile. The literature on the costs of ruling highlights that parties lose support when in power for an extended period because parties generally fail to fulfil the voters' expectations (Ziegfeld, 2020). Second, the BJP is highly dependent on Modi's leadership. In contrast, dominant parties are free from any single leader. Third, BJP has fewer chances to grow. In states like Gujarat and Rajasthan, it has already received high support and is limited to grow further. In south Indian states (except in Karnataka)¹⁹⁸, BJP is yet to gain greater support (Ziegfeld, 2020).

¹⁹⁵ Based on the two successive clear mandates (2014 and 2019) and BJP's increasing presence in states (in 2019 it controlled twelve states on its own and six more with its allies) in controlling the government, scholars refer to it as a dominant party. Presently, the BJP is the most preferred party nationally and it has been challenged by the regional parties at the state level. Besides, the BJP has created a consensus on the concept of 'political majoritarianism' thereby, the BJP is considered as a dominant party (Chhibber & Verma, 2019, p. 132). After nearly three decades of coalition era, the BJP received a majority on its own by winning 282 and 303 seats in 2014 and 2019 respectively. No other party is close to BJP in its electoral victory.

¹⁹⁶ The BJP is no longer limited only to the Hindi belt, first time BJP made inroads into eastern India like the states of West Bengal, Telangana, and Odisha. In addition, regional parties like the TMC, TRS and BJD lost their ground to the BJP in the Lok Sabha elections (Chhibber & Verma, 2019).

¹⁹⁷ The BJP for a long time was dependent on the Hindu upper caste for its support, in 2019 for the first time it increased its support from all groups within the Hindus - the OBCs, SCs STs.

¹⁹⁸ From 2019, it is expanding electorally in Telangana as well.

Jafferlot and Verniers (2020) argue that post-2019, BJP has not just started a new party system but has led to a new political system. They view that from 2014 onwards, the BJP is trying to establish 'ethnic democracy'. In its first term, it tried to establish *de-facto* majoritarianism by implementing various programmes like *Gar Vapasi* (re-conversion of Muslims and Christians into Hinduism), cow protectionism, and protection against love-jihad (Jafferlot & Verniers, 2020).

In addition, in its second term, it tried to further its Hindutva agenda and establish *de-jure* ethnic democracy by taking measures like the abolition of article 370, passing the citizenship amendment act, the supreme court's verdict on Babri Masjid in Ayodhya, and the *Bhoomi pojan* (laying foundation for the construction of Ram temple), publication of the National Register of Citizens which excludes 1.9 million doubtful citizens. After analysing the factors that led to the rise of the BJP, why some scholars call the BJP a dominant party, and why others are yet to credit the status of the dominant party to the BJP. The following section looks at defections in the fourth-party system.

With the emergence of the BJP as a dominant party, winning most of the seats in the 2014 and 2019 Lok Sabha and several state assemblies, the phenomenon of defections saw an increase, with most of the legislators shifting to the BJP. In most states, BJP's party leadership openly approves defections by calling it *Chanakyaniti*¹⁹⁹ (pragmatic politics), which is essential in real politics (Balan, 2020). This contrasts the party's stand on defections in 1980 and 1990. For instance, in 1981, when a BJP municipal councillor defected to Congress and brought down the party numbers in the Rajkot Municipal Corporation, veteran BJP leader, the late Chiman Shukla, went on a fast for 19 days. Due to the intense moral pressure, the councillor left Congress and went into political exile (Mahurkar, 2019). Similarly, the BJP has come a long way since 1996 when former prime minister Atal Bihari Vajpayee had declared: "*Party todkar satta ke liye naya gathbandhan karke agar satta haath mein aati hai to mein aisi satta ko chimte se bhi chhoona pasand nahin karoonga*" (if power comes by breaking a party and making a new alliance, I would not like to touch this power even with a pair of tongs) (Singh, 2021).

¹⁹⁹ However, Congress spokesperson Randeep Surjewala likes to put it, "MODI: Mischievously Orchestrated Defection in India" (Balan, 2020).

In sharp contrast to the view of BJP leaders of 1990, the present party leadership views defections as a strategy of pragmatic politics. As per a study, in 2019, nearly 29% of BJP ministers in the states under the BJP government were from other parties (defectors). This contrasts BJP's claim that it is different from other parties. It claims to be a cadre-based party that favours and appoints insiders as ministers and to significant party positions. However, over a period, it has been proven that due to electoral compulsions, the BJP has accommodated many politicians from other parties at the state level (R. Tiwari, 2019). Increased defections into BJP have led some academicians to comment that BJP is following the trajectory of Congress, where it is trying to attract legislators from other parties with the promise of office and privilege. However, this can be counterproductive when the defectors feel they are not appropriately accommodated (Ayoob, 2020).

Table 4.17

Defections in State Legislative Assemblies (2014-2021)

SL. No	Name of the State	Legislative Assembly Strength	Number of Defections
1	Andhra Pradesh	175	31
2	Arunachal Pradesh	69	42
3	Assam	126	19
4	Bihar	243	20
5	Chhattisgarh	90	4
6	Delhi	70	13
7	Goa	40	17
8	Gujarat	182	32
9	Haryana	90	16
10	Himachal Pradesh	68	2
11	Jammu and Kashmir ²⁰⁰	114	0
12	Jharkhand	81	25
13	Karnataka	224	37
14	Kerala	140	7
15	Madhya Pradesh	230	33
16	Maharashtra	288	27
17	Manipur	60	33

²⁰⁰ Jammu and Kashmir was a state of India until October 2019, with the passage of Jammu and Kashmir reorganisation act 2019, the state has been divided into two union territories, Jammu and Kashmir and Ladakh.

18	Meghalaya	60	13
19	Mizoram	40	5
20	Nagaland	60	27
21	Odisha	147	9
22	Puducherry	30	10
23	Punjab	117	14
24	Rajasthan	200	17
25	Sikkim	32	12
26	Tamil Nadu	234	34
27	Telangana	119	48
28	Tripura	60	8
29	Uttar Pradesh	403	48
30	Uttarakhand	70	13
31	West Bengal	294	57
	Total		673

Source: Based on researcher's data.

Table 4.17 indicates that nearly 673 MLAs have defected in the fourth-party system in various states. Surprisingly, barring Jammu and Kashmir, all states experienced defections, though the frequency ranged from as low as two in Himachal Pradesh to as high as 57 in West Bengal. Compared to the third phase, defections in the fourth-party system are high. In eight years (2014 to 2022), nearly 11% of MLAs have defected (see Table 1.1). Notably, most of the northeast states of Assam, Arunachal Pradesh, Meghalaya, Manipur²⁰¹ Nagaland, and Sikkim witnessed a high number of defections. In addition, the small states of Goa, Telangana, and Puducherry saw high defections.

In the fourth phase, the BJP benefited the most from party switching in the state legislatures. Out of 673 defected MLAs, 338 MLAs have joined the BJP²⁰². Besides, defections led to destabilisation of elected governments in nine states during the legislative term (see Table 4.18). Interestingly, in all nine states, the BJP, either independently or as part of an alliance, has formed the government. This phase saw the trend of toppling elected governments at the state level, primarily through mergers and resignations by the MLAs.

²⁰¹ It has to be recalled that earlier the BJP was never a major party in the electoral race in these north-eastern states.

²⁰² Details are discussed in Chapter V.

Party switching has become the new normal in Indian Democracy. Almost every other day, we hear of defections from one party to the other. It may be of legislators, politicians, or non-politicians. In this phase, the BJP has attracted senior politicians²⁰³ and several non-political persons like army officers, sports stars, film stars, ex-bureaucrats, and others. More importantly, defections have destabilised elected governments in nine states.

Table 4.18
State Governments Destabilised due to Party Switching (2014-2022)

Sl. No	State	Year	Type of Government	Defected From	Defected To	Main Reason for Defection	Party at the Center
1	Arunachal Pradesh	2016	Majority	Congress	BJP	Infighting in the Congress party over a chief ministerial post. 34 MLAs of Congress joined PPA, and then to BJP	BJP
2	Uttarakhand*	2016	Coalition	Congress	BJP	Voted against the Congress government's appropriation bill	BJP
3	Manipur	2017	Coalition	Congress	BJP	Congress was the largest party but was short of three seats, quickly after results seven congress MLAs switched to BJP, and BJP led government was formed	BJP
4	Goa	2017	Coalition	Congress	BJP	Congress was the largest party but was short of three seats but quickly after results, BJP led government was formed, and 10 Congress MLAs joined BJP	BJP
5	Bihar	2017	Coalition	JD(U), RJD, INC, and Left Parties	BJP	Mahagathbandhan (Grand Alliance) ²⁰⁴	BJP

²⁰³ Some of the significant state-level leaders who switched to the BJP include Himanta Biswa Sarma in Assam, Rita Bahugun, the chief of Congress in UP, Brajesh Pathak, a senior leader and Brahmin face of the BSP in UP, Swami Prasad Maurya, a senior leader of the BSP and OBC face, and Jugal Kishor, a founder member of BSP and a former MP. Similarly, Shazia Ilmi, a senior leader and founding member of the AAP. In addition, Congress leader S. M Krishna (former chief minister of Karnataka), Jyotiraditya Scindia (an MP and union minister from Madhya Pradesh), Tom Vadakkan, a senior Congress leader from Kerala and others have switched to BJP.

²⁰⁴ It was an alliance of RJD, JD(U), INC and Left parties in the state of Bihar.

6	Karnataka	2019	Coalition	Congress JD(S)	BJP	BJP was the largest party in the 2018 elections, Lacked majority	BJP
7	Madhya Pradesh	2020	Coalition	Congress	BJP	No party got a majority. Congress-led coalition government was brought down when 25 Congress MLAs joined BJP	BJP
8	Puducherry ²⁰⁵	2021	Coalition	Congress-led coalition	BJP	Defection of 6 ruling coalition MLAs into BJP ahead of assembly polls in 2021	BJP
9	Maharashtra ²⁰⁶	2022	Coalition	Shiv Sena	Shiv Sena faction	Maha Vikas Aghadi (MVA) coalition government was formed, as no party received a majority. BJP was the single largest party. Shiv Sena was split, and the breakaway party supported BJP and formed a government	BJP

Source: Compiled by the researcher based on magazine and newspaper reports.

Note: * In Uttarakhand, the Congress government was reinstated due to the supreme court's intervention.

Table 4.18 provides that out of nine states that saw a change of governments, eight states had coalition governments. Further, in all the nine states, the BJP formed the government, replacing the elected governments of Opposition parties. This indicates that, as Congress did earlier in the first three phases, BJP used its power to bring down state governments headed by the Opposition parties and tried to replace them with the BJP government. It is puzzling to note that in seven out of nine states, it is the Congress party that lost the most legislators and state governments to the BJP. Furthermore, Table 4.19 indicates, like in the earlier phases, the defectors in the fourth-party system were rewarded with ministerial and other positions.

²⁰⁵The prominent leaders of the ruling coalition like A. Namassivayam, V.P. Sivakolundhu, A. John Kumar, Malladi Krishna Rao and K. Lakshminarayanan switched to the BJP as a result, the Congress led government lost the majority and President's rule was imposed for a brief period. In the 2021 assembly elections the BJP won six seats and the NDA formed the government.

²⁰⁶ The efforts to establish the BJP government were also made in the state of Maharashtra in 2019 and Rajasthan in 2020. However, the efforts of the BJP were unsuccessful.

Table 4.19
Office Benefits to the Defectors in the Fourth-Party System

Number of Defections	Appointed as Chief Ministers	Appointed as Ministers	Other Position ²⁰⁷
673	4	31	17

Source: Compiled by the researcher, based on the researcher's data set.

The following factors would have facilitated the legislators to switch in the fourth-party system. First, after nearly two and half decades of coalition politics, a single party could secure a comfortable majority in Lok Sabha. Along with this, BJP secured a comfortable majority in many state assemblies. Once Narendra Modi was appointed as the prime minister of India, there was hope that he would replicate his Gujarat Development Model at the national level and in the states where the BJP would come to power. Thereby, several MLAs could have seen BJP as the party with resources to fulfil their votes, profit, and office ambitions. Hence, switching from opposition parties to the BJP was higher. It must be recalled that the ruling party will have more resources than the opposition parties to fulfil the legislators' ambitions.

Second, absence of strong regional leaders at the state level in the BJP (D. Singh, 2021). As a result, the party had to co-opt leaders from other parties into its fold and expand its organisation. For example, in the north-eastern states, interestingly, BJP went beyond its 'Hindutva ideology' and included several leaders from other parties. It was ready to share power, appointed the defectors as ministers, and sometimes offered a higher position to the newcomers in the party.

Third, the BJP tried to increase its presence even in small states and union territories along with the large states. For example, Tripura has only two Lok Sabha seats and 60 assembly seats. In 2014 and 2019, BJP won both Lok Sabha seats. Similarly, in Sikkim, where the party was not a significant player, it became the state's main opposition party. It moved beyond the Hindi heartland, entered the northeast, and expanded its strength in these states through defections. Likewise, continuing its expansion strategy, BJP, in alliance, took over the union territory of Puducherry in 2021, just before the assembly polls.

²⁰⁷ As office benefits are available mostly to the ruling party and there are restrictions on the appointment of a number of ministers, some of the defectors might be given other financial inducements through contracts or projects.

Fourth, as mentioned earlier, the role of money in defections cannot be denied. Several news reports noted that the BJP received higher financial contributions than any other party. A report by ADR (2019) based on the audit and income tax reports submitted to the Election Commission by the political parties found that BJP received 95% of contributions from the electoral bonds in 2017²⁰⁸. From 2013 to 2016, BJP received three times more corporate donations than Congress. In terms of donations above 20,000, BJP earned nearly 13 times more than the combined donations received by other national parties (Pradhan et al., 2018). Besides, for the financial year 2017, the income of the BJP rose by 81%; in contrast, the income of the Congress fell by 14%²⁰⁹ (Pradhan et al., 2018). It is noted that the gap between political parties in terms of donations was never so wide. Thereby, several MLAs might have switched to a party whose coffers were full than staying with the parties whose coffers were almost empty.

Fifth, BJP rewarded the defectors with votes and office in several states. For instance, BJP gave tickets to most defectors to contest by-polls or the subsequent elections. Besides, defectors were appointed as ministers and into higher posts within the party organisation. For instance, in Assam, out of eleven ministers, 45% of the ministers were outsiders (legislators with a non-BJP background). Further, in Arunachal Pradesh, the chief minister and the ministers were earlier Congress rebels. In Tripura, 55% of cabinet ministers had a Congress background (R. Tewari, 2019). We can argue that, looking at the rewards offered to defectors in one state, the MLAs of other states would have joined the BJP, anticipating similar office rewards in return for switching.

Sixth, increased use of central agencies like the CBI, ED, and Income tax by the BJP on its political rivals. It is alleged that several politicians, those in power and out of power, joined the BJP to safeguard their wealth. It claimed that the ruling party at the centre, which controls the central investigative agencies, is offering to withdraw cases against legislators for defecting to the BJP. For instance, as per a report, four TDP Rajya Sabha MPs with cases of illegal land acquisition switched to the BJP in 2019 (4 TDP Rajya Sabha Members join BJP, 2019). Later, the cases against these MPs were closed. Similarly, when the BJP fell short of a majority in Haryana, Dushyant Chautala, who was leading Jannayak Janata Party, extended his support, and within a day, his

²⁰⁸ Electoral bonds allow a corporation or individual to give an unlimited sum of money to a political party without requiring that either the contributor or the recipient disclose the transactions.

²⁰⁹ It was reported that in 2018 the Congress party had stopped sending funds to the state offices due to a lack of funds in the central unit of Congress (Pradhan et al., 2018).

father, Ajay Chautala was granted bail from jail (Bhagat, 2019)²¹⁰. In contrast, it was alleged that the legislators rejecting the offer to join the BJP - were targeted with cases by central agencies like the Central Bureau of Investigation (CBI), the Enforcement Directorate (ED), and the Income Tax Department.

Seventh, it is claimed that the BJP is accepting many in-switches to increase its strength and hurt the morale of the Congress party. Some BJP leaders have claimed that defections are BJP's plan to demoralise the Congress party. The BJP intends to defeat the Congress party, its members, and voters with the mind game (R. Tewari, 2019). The BJP's ideological orientation is to create a '*Congress-mukt Bharat* (to free India from Congress rule) (Raman, 2019).

Though the BJP was the largest gainer of defections in this phase, one has to wait and see if the BJP, over a period, would undergo what the Congress experienced in 1967. The failure of the Congress party to accommodate diverse interests resulted in several Congress legislators shifting to other parties and starting their parties. Therefore, the Congress party saw several splits and breakaways after 1967. In recent years many BJP members in states like Karnataka, Goa, and Madhya Pradesh, expressed their displeasure with the party for preferring defectors over party loyalists in the distribution of party tickets and ministerial positions. Therefore, it remains a question for the BJP to share the power and positions among the party loyalists and defectors.

4.6 Party Switching in India from 1952 to 2022: Common Trends

Examining the trajectory of defections in India from 1952 to 2022 under four different phases has shown certain common trends across all the phases. First, when state governments were often destabilised, the party in the centre benefited from defections and formed a government at the state level. This reflects that the party at the centre benefits from defections because India is a strong centre-oriented federal country; here, the states depend on the centre for funds to undertake various developmental projects. It is established that the central government is more powerful than the states—residuary powers lie with the centre; on the concurrent list, the central government's laws prevail in case of a conflict, and parliament has the power to alter the boundaries, create a new

²¹⁰ Likewise, when Shiv Sena leader Ajith Pawar agreed to form a government with the BJP in Maharashtra in 2019, all cases against him were suspended, and he was given a clean chit.

state and divide the existing states. It can dismiss the state government under special circumstances²¹¹.

Furthermore, for several decades the centre controlled the state's financial position in the form of control over industrial policies and financial institutions, control in the form of licence Raj (Bagchi, 2003). Though the post-liberalisation has allowed the private sector to play a considerable role, the centre continues to dictate through centrally sponsored schemes (Bagchi, 2003).

In addition, the states ruled by different parties than the ruling party at the centre have always raised their voice over the prejudiced treatment by the centre. State led by opposition parties complains of receiving step-motherly treatment. Even recently, during the COVID-19 pandemic states spoke of the partiality of the centre in the distribution of vaccines, PPE kits, N95 masks, and ventilators. In this regard, former chief minister of Maharashtra, Prithvi raj Chavan claimed that the BJP-ruled state government received preferential treatment from the centre (Centre treating state in step-motherly manner, 2021). Further, West Bengal complained of a delay in distributing financial dues to the state (Centre meeting out step-motherly, 2022). In this background, ruling parties have tried to terminate the states ruled by opposition parties in several instances.

There are two probable reasons the party in power at the centre tries to destabilise the state governments through defections. First, control over the state government might help the party win more Lok Sabha seats in that state. Hence, the party in power at the centre tries to replace the governments headed by opposition parties. Second, having more state governments ruled by the party indicates the party's political power expansion.

²¹¹ Until the S. R Bommai Judgment of 1993, the centre misused the use of Article 356 to impose president's rule.

Table 4.20
Four Phases of Defection and Party System in India (1952-2022)

Category	Period	Defections (%)	Nature of Party System and Defections	Party with highest in-switches	Ruling Party in centre-most of the time
1st Phase / Congress Dominance era	1952-1966	5 %	1) Clear majority in the parliament and most states. Weak Competitiveness among parties. 2) Congress dominated politically both at the centre and in states. 3) Fewer defections as power, resources, and policies were concentrated with the Congress.	Congress	Congress
2nd Phase/ Congress Opposition	1967-1984	8 %	1) Congress was in power at the centre. However, saw the rise of opposition in the states. Several hung assemblies at the states. 2) Large-scale defections with the emergence of the new state-based parties and the inability of Congress to accommodate diverse interests.	Congress	Congress
3rd Phase/ Post-anti-Defection law	1985-2013	9 %	1) Anti-defection law was in place, though there was a reduction in the individual switches, the group switches continued-there were splits and mergers-hung assemblies at the centre and in states. 2) Many state-based parties were part of coalition governments in the states, so they would have received 'office benefits' by being part of the coalition.	Congress	Congress
4th Phase/ Fourth party system	2014 to present	11%	1) Re-emergence of the single party majority at the centre. 2) Large-scale defections primarily to the BJP as the resources and power are concentrated with the BJP. 3) The parties at the centre have become weak. 4) Increased competitiveness among parties at the state level.	BJP	BJP

Source: Prepared by the researcher based on Kothari (1964), Yadav (1999), Palshikar (2017), Chhibber and Verma (2018), Vaishnav and Hinston (2019), Kashyap (1969; 1970; 1974), Kamath (1985) and Malhotra (2005).

Likewise, legislators at the state level switch towards the ruling party at centre in anticipation of receiving more funds for developmental projects²¹² and expecting election funding and campaign assistance from the party. If the ruling party in the state and the party in power at the centre are the same, the state is likely to receive many projects and higher developmental funds. Conversely, when the ruling parties at these two levels differ, the state governments claim they receive step-motherly treatment from the centre. As a result, MLAs often switch *en masse* towards the ruling party at the centre. Table 4.21 provides that the party in power at the centre has benefited in replacing the opposition-led governments with its government in all four phases. This explains that in a federal country like India, the results at one level influence the government formation and sustenance at other levels in between the legislative term.

Table 4.21
Defection led Destabilisation in Coalition Governments (1952-2022)

Four Phases	State Governments destabilised	State governments Destabilised with Coalition government/ slim majority	States where the party in power at the centre formed the government post- defections
Phase 1	11	7	7
Phase 2	25	19	15
Phase 3	18	12	9
Phase 4	9	8	9

Source: Compiled by the researcher based on various books and newspaper reports.

Table 4.21 provides that in all four phases, more governments were destabilised whenever the states were ruled by coalition governments or had a slim majority than during majority governments. Nevertheless, majority governments are also destabilised due to defections, mainly when there is an internal fight in the party over the chief ministerial candidate due to factions within parties.

Second, the state governments are often destabilised or brought down during the legislative term whenever no party receives a clear majority. This does not mean that governments cannot be

²¹² It is observed that in most of the North-Eastern states and small states the MLAs often switch to the party in power at the centre because the north-eastern states are financially dependent on the central government.

destabilised under majority governments. Instead, it is easier to destabilise coalition governments and governments with a slim majority than a majority government.

The three main reasons for increased defections under coalition governments are. First, increased demand legislators are more likely to shift their support/loyalty to a party that offers the highest benefits under coalition governments. Second, when more parties are in the legislature, the number of options available to the legislators to shift is also higher. Third, under coalition governments and a slim majority, even if a small number of legislators change parties, it can alter the balance of power in the legislature.

Third, the trend of toppling the elected governments during the term is present in all four phases. This is problematic for two reasons. One, it indicates that the intent of anti-defection law to prevent government instability has not been achieved. Two, toppling the elected government through defections is a mockery of electoral mandates. Whenever a party fails to accept the defeat and tries to form a government using the defection route, it undermines the legitimacy or steals the mandate given by the voters. Moreover, it makes political parties meaningless.

Fourth, Governors always tried to assist the party at the centre in bringing down the governments controlled by the opposition parties. The Governors do this by providing sufficient time for their parties to prove the majority in the assembly. In turn, the party in power at the centre establishes its government by dissolving and sometimes not allowing the opposition to prove its majority.

Fifth, rewarding the defectors with ministerial posts or other positions in return for shifting their political loyalty. At all phases, the most defectors' motives of votes, office, profit are fulfilled once the party comes to power. The 91st Constitutional Amendment restricted the number of the council of ministers to curb the practice of rewarding the defectors with ministerial posts. This might be why the number of defectors rewarded with ministerial positions declined in the fourth phase compared to the second phase. However, the parties try to reward the defectors by appointing them as chairpersons of boards or with other positions like party whip, Speaker, and deputy speaker of the legislative assembly, and so on.

Sixth, in all phases, most defectors have faced electoral costs for switching parties (see Table 4.22). This is because, as discussed in the framework chapter, traditional voters might punish the defectors for switching parties. Additionally, the new party supporters might not feel comfortable voting for a candidate who was their rival candidate in the last election.

The above section has highlighted the common trends in defection from 1952 to 2022. The following section examines the association between the type of government and defections, the electoral costs of party switching to the legislators, the gender variation in the number of defectors in India from 1967 to 2022, and the impact of anti-defection laws on the number of political parties.

4.6.1 Does Coalition Governments Induce Switching?

Table 4.22
Association Between Type of Government & Defections (1952-2022)

Phases	Period	Years	Majority Governments (%)	Coalition Governments (%)	Defections (%)
Phase 1	1952-1966	14	85%	15%	5%
Phase 2	1967-1984	17	71%	29%	8%
Phase 3	1985-2013	28	62%	38%	9%
Phase 4	2014-2022	8	65%	35%	11%

Source: Compiled by the researcher using the Election Commission of India's reports on assembly elections and incumbency data sets of Trivedi Centre for Political Data, Ashoka University.

Table 4.22 displays that from 1952 the coalition governments have increased until the third phase. Parallely, we notice an increase in defections. The fourth phase has seen a slight decrease in the coalition governments. However, given the number of years under this phase is less, it could be more if a few more years are considered. In each phase, the percentage of defections has increased. This shows that there could be a relationship between the number of coalition governments and defections. As the literature shows, legislators are more likely to switch under coalition governments for two reasons.

On the one hand, the options available are more for the legislators to switch under coalition governments than in majority governments. On the other hand, under coalition governments, the parties might constantly try to increase their strength to ensure stability. Therefore, coalition governments facilitate the ambitious legislators to switch parties to fulfil their vote and office

motives. In addition, defection by a few legislators can alter the balance of power under coalition governments, unlike in majority governments.

4.6.2 Electoral Performance of Defectors

Table 4.23
Electoral Performance of Defectors (1967-2022)

	Defectors	Defectors Won	Defectors Lost	Defectors Won (%)	Defectors Lost (%)
Phase 2	1417	589	828	41.57%	58.43%
Phase 3	2410	1051	1359	43.61%	56.39%
Phase 4	695	294	391	42.30%	56.26%
Total	4522	1912	2578	42.28%	57.01%

Source: Trivedi Centre for Political Data, Ashoka University.

Note: Electoral performance of defectors in the first phase could not be calculated due to the unavailability of data.

Table 4.23, illustrates that the percentage of defectors who lost is higher than that of defectors who won in the subsequent elections. Furthermore, it shows that there seems not much difference in the electoral costs that the defectors face from 1967 to 2022. This indicates that in India, acceptance and punishing the defectors is almost uniform in all phases of defections. Defectors face electoral costs mainly due to punishment by traditional supporters. However, the electoral costs differ depending on the direction of the switch and the party that the legislators switch²¹³.

²¹³ The details on how the electoral costs differ based on the direction and timing of switch of the legislators is discussed in chapter five.

4.6.3 Does Gender Influence Party Switching?

Table 4.24
Comparison of Defections by Male and Female MLAs (1967-2022)

Male MLAs Elected	Male Defectors	Male Defectors (%)	Female MLAs Elected	Female Defectors	Female Defectors (%)
50550	4294	8.49	2889	150	5.19

Source: Trivedi Centre for Political Data, Ashoka University.

Note: Data on the number of male and female defectors between 1952 and 1966 is unavailable.

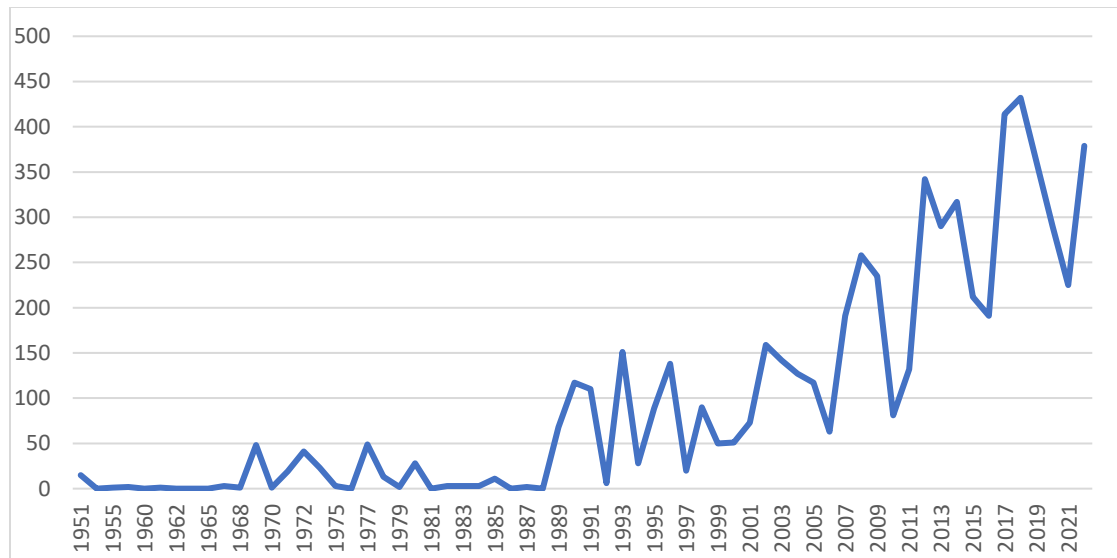
Table 4.24 provides that the percentage of female defectors is low compared to male defectors in India. The female MLAs' low defection might be because of two reasons. First, most female candidates are contesting from safe constituencies and might not want to switch to other parties as they will be unsure if the new party will give them a seat in the same/safe constituency. For most political parties, the number of women candidates is only around 11 to 15% (Ravi & Sandhu, 2014). The lower number of tickets by the political parties for the female candidates might influence the female candidates to stay -put with the party than switch to other parties.

Second, lower presence of women in party leadership positions across the political spectrum (Ravi & Sandhu, 2014). Since only a few women are in higher positions, the political parties aiming to field winnable candidates might not see female candidates as beneficial to their party. Hence, parties might prefer male leaders of other parties over female leaders.

4.6.4 Impact of Anti-defection Law on the Number of Political Parties

Figure: 4.1

Number of Registered Political Parties in States (1952 -2022)



Source: Compiled by the researcher using the Election Commission of India's reports on assembly elections of all states in 1952-2021

Figure 4.1 shows that from 1951 to 2022, the number of regional parties increased significantly. Interestingly, the above line graph shows a sharp increase in the regional parties' post-anti-defection law. As the provisions of the law provided for the disqualification of legislators defecting from their parties in between the term, some of the minor factions within political parties would have walked out to start their parties. Further, some of the legislators dissatisfied with their present party, instead of switching to another party in between the term, have waited until the end of the term to start their parties. However, most of these small and minor parties established by the defectors over a period tend to merge with large/dominant parties²¹⁴.

4.7 Conclusion

This chapter has argued that given the individual motives of vote, office, and profit, the federal institutional design and nature of political parties in India influenced the legislators to switch or stay-put. It has described the factors that facilitated the legislators to switch or stay-put in different phases. It has shown how defections took a different form in the third phase with the introduction

²¹⁴ Details on the electoral performance of the defectors to minor and major parties is discussed in Chapter four.

of the anti-defection law. It also highlights the common trends of party switching in India in all four phases.

It underscores the role of the party in power at the centre in influencing the formation and sustenance of state governments. It shows that in a federal country like India, the party in power at the centre uses party switching to destabilise state governments led by opponents. This helps the ruling party at the centre in expanding its political power at the state level. It benefits the MLAs as they receive vote, office, and profit benefits. The last section has provided an analysis of the association between the type of government and defections, the electoral costs, and the gender aspect of party switching from 1967 to 2022 in India. The following chapter examines the dynamics of party switching in India's state legislatures under the fourth-party system.

Chapter-5

Party Switching in India's State Legislatures (2014-2021)

5.1 Introduction

As noted in the introduction, in the fourth phase (2014 to the present), there is a surge in party switching in state legislative assemblies compared to the first three phases. As the data shows, between 2014 and 2022, nearly 770 MLAs switched parties, i.e., around 11% of the legislators in states²¹⁵. Additionally, in nine states, the elected governments were destabilised due to defections²¹⁶. This underscores the implications of party switching on the legislative political parties and the government in between the elections. This is happening despite the enforcement of the anti-defection law. Hence, it is essential to understand why, how, and when MLAs switch parties.

This chapter is divided into two parts. The first part addresses two fundamental questions concerning the relationship between the political parties and defectors. First, why do legislators switch parties in India. Second, why do political parties' welcome defectors. The second part of this chapter examines the direction and the timings of defection by the MLAs. It also observes the electoral costs and office rewards of party switching for the MLAs. It highlights how electoral costs differ based on the direction and timings of the switch. It describes the reasons for the shift of legislators from one party to another. It presents the top five parties that saw the highest in-switches and out-switches.

5.2 Party Switching: Legislators and Political Parties

As discussed in the framework chapter, based on the rational choice approach, this study assumes that politics is like a marketplace where forces of demand (political parties) and supply (defectors) operate. In other words, there is a demand for the defectors by the political parties, and the defectors make the supply. However, political parties do not always demand defectors.

²¹⁵ For details see Table 1.1.

²¹⁶ For details see Table 4.18.

In contrast, often, legislators might defect to meet their ambitious goals without much demand from the parties. As Sarangi (2016) argues, politics has become more like business, where politicians invest their time and money and expect high returns. He highlights that politicians switch parties just like shareholders who invest their shares in a different firm when they are dissatisfied with the profits (Sarangi, 2016, p. 9). Similarly, politicians switch parties when they are dissatisfied with the returns they receive from their present party.

Nevertheless, though the legislators are rational individuals who make the cost-benefit calculations before switching parties, they sometimes express their emotional attachments to the party. For instance, Padma Hazarika²¹⁷, an MLA in Assam, quit the Asom Gana Parishad (AGP) to join the BJP in 2015. He said, *"today I feel like a daughter who is leaving her house after marriage. I feel the same pain leaving AGP. But to stop the Congress, the BJP is the only alternative"* (Padma Hazarika quits AGP, 2015).

Further, in an interview²¹⁸, a village Sarpanch, aged around 55 years in Nizamabad district in Telangana, said that he had switched from the TDP to TRS in 2015 because the MLA of his constituency had switched to the TRS Party. He added that although he is now part of the TRS, the moment he hears TDP's name, he gets goosebumps; due to his long attachment to the TDP as he had served the party from his youth days.

Similarly, Babul Supriyo, a two-term Lok Sabha MP from the Asansol constituency in West Bengal and former Union Minister, switched from the BJP to AITC in September 2021. He said, *"my heart is heavy to leave BJP as my political career began with the BJP"* (P. Saha, 2021). The above opinions underscore that though the defectors express their emotions publicly, most switchers prioritise their rational decisions over their emotions. Assuming that the legislators are rational individuals, the following section notes why legislators switch parties in India.

5.2.1 Why do Legislators Switch Parties in India

Politicians always look for higher benefits like power, position, and status for being in politics. Politicians want to stay relevant in politics because 'politics is considered a passport for prosperity'

²¹⁷ He is a five term MLA from Sootea constituency in Assam.

²¹⁸ Interview was conducted by the researcher in December 2015.

(Sarangi, 2016, p. 7). It brings them prestige, status, and access to various services. On similar lines, Chandra (2014) has highlighted that the association with the state office guarantees high returns in terms of status, power, and earning capacity compared to other professions like bureaucracy, banking, and business (p.26). In this line, Banerjee (2004) underlines that politics is more power-enhancing and remunerative than other professions. The salary, privileges, and immunities the politicians receive are far higher than what an ordinary person receives²¹⁹ (Banerjee, 2004).

In India, one often finds that the MPs and the MLAs get united in the legislatures while amending bills concerning their salaries, allowances, and pensions²²⁰. If a person serves as an MP or MLA even for a single day, they receive a lifelong pension (Banerjee, 2004). Being in politics enhances legislators' position in many ways. This underscores that politicians switch parties to be relevant and receive the benefits of being in power. The following section describes the factors influencing the MLAs in India to change parties during the legislative term.

5.2.1.1 Vote Motive

Once into politics, most politicians in India would take politics as a full-time profession. Politicians would contest several times to stay in power since there is no bar on the number of terms one can contest elections in India. Some politicians remain active in politics until their death. Politicians would like to contest on the party label than as independents because the candidates are aware that the party label matters more than the individual appeal²²¹. The candidates know that the party has a broader reach to different sections of society due to the party's historical legacy, family, or ethnic ties with the voters (Vaishnav, 2017).

As discussed in the conceptual framework chapter, drawing from the strategic approach, this study assumes that politicians switch for votes, office, and policy (Aldrich & Bianco, 1992). The following section shows that vote motive plays a significant role in influencing legislators to switch parties. The vote motive has two parts. On the one hand, the legislators switch parties when

²¹⁹ See, (<https://trimurl.co/ajgDUe>) (<https://trimurl.co/Bg69C4>).

²²⁰ See, (<https://trimurl.co/q2QEad>).

²²¹ The details on why political parties are important is discussed in chapter two. Although there is growth in the number of independent candidates contesting elections, the number of independent candidates winning elections has decreased (Chhibber et al, 2019). This shows that in India, parties matter more than candidates.

they are denied tickets to contest subsequent elections. On the other hand, the legislators would defect when they are unsure of the victory of their present party.

5.2.1.1.1 Denial of Tickets

The party may deny tickets to the representatives for reasons like expected anti-incumbency against the candidate, the party preferring someone else, differences with the party leadership, and any wrongdoing or allegations against the candidates. When legislators are denied tickets, it becomes difficult to achieve their ambitions- votes, office, and policy²²². As the data shows (Table 5.9), many legislators openly claim they switched parties because their present party denied tickets. Hence, they joined a party that offered a ticket. Switching due to the denial of tickets is generally towards the end of the legislative term. The figures in Table 5.9 show that 15% (94) of MLAs switched parties due to the denial of tickets to contest the next elections.

However, if the legislator is a prominent leader with assured support from a particular geographical location or ethnic community and is sure about the support of a few more legislators. In that case, the legislators will start a new party (start-up). In some cases, the legislators who believe they have a large following may contest as independents. In this regard, Chandra (2016, p. 38) argues that re-nominating the locally rooted legislators reduces defections, although it is impossible to eliminate. Therefore, we can note that denial of the tickets is one of the reasons why the legislators switch parties.

Interestingly, the data shows that the legislators who switch parties because they were denied tickets face higher electoral costs²²³. This is because the switch will be considered as ‘opportunistic’. This highlights that shifting parties at the end-term will be seen as ‘opportunist’, unlike early-switch, which might be regarded as ‘principled’. Besides, the voters who wish to have access to state resources may not object to their legislators switching to a ruling party. As noted earlier, the ruling party will have greater access to state resources than the opposition parties.

²²² The aspect of ideology is discussed in detail in the subsequent section. Concerning ideology, it is noted that the political parties and the legislators in India lack clear ideological differentiation and most parties claim to be centrist in ideology. Therefore here, policy does not necessarily mean ideological differentiation but to influence passing bills that cater to the interests of the legislator’s clients.

²²³ Most legislators giving denial of ticket as reason for switch lose their subsequent elections than those who defected for other reasons.

5.2.1.1.2 Re-election Motive

The legislators would switch parties when they predict that their ‘vote motive’, cannot be fulfilled by their present party, when they anticipate that their party might lose the upcoming elections, the MLAs will consider defecting. Legislators across the countries make explicit public statements that they switch parties because they consider the present party will not enable them to be re-elected. For instance, Arlen Specter, former US., Senator once said in a public speech that “my change in party will enable me to get re-elected.....” (Cited in Evans & Hadley, 2012, p. 884).

Similarly, in India, legislators openly claim that they shifted parties because the prospects of winning being in the present party are low. For example, Madan Lal, MLA of Wyra Constituency in Telangana, switched from Yuva Jana Shramika Rythu Congress Party (YSRCP) to Telangana Rashtra Samithi (TRS), citing that YSRCP had “a bleak future in Telangana” (Wyra, Yellendu MLAs leave 2014).

In India, most legislators switch ahead of elections, anticipating that their present party cannot fulfil their vote motive. Nevertheless, they would claim other reasons like change in party ideology, development of the constituency, their present party organisation has become weak, they are dissatisfied with their party’s leadership, and other such moral reasons. The defectors do this to create their image as ‘principled’ instead of ‘opportunistic’ defectors. The electoral costs for the defectors depend on the image of their defections.

As discussed earlier, politics as a profession enhances status, power, and respect and helps in the easier accessibility of services (Chandra, 2014; Kailash, 2022b). In addition, the elected representatives get the opportunity to ‘serve the public’ - this further helps them to get re-elected (Chandra, 2014). Additionally, it brings in three forms of personal benefits. First, it gives them opportunities to receive kickbacks and bribes for favouring specific policies, programmes, and projects. Second, more accessible access to law-and-order machinery due to their political influence. Third, high salaries and allowances (Chandra, 2014). Therefore, the MLAs wish to be re-elected as it gets them all these.

Most legislators who resign from their parent party and join a different party re-contest from the new party. If they switch early-term or mid-term, the defectors will contest the bye-polls

under their new party label. For instance, when several MLAs resigned to join a different party, bye-polls were conducted in Tamil Nadu, Karnataka, Madhya Pradesh, Gujarat, Goa, and Manipur between 2017 and 2020. In case of an end-term switch, the legislators contest under the new party label in the subsequent elections. This indicates that the ‘vote motive/re-election’ influences the legislators. They switch to fulfil their primary motive of being elected as a legislator. As discussed in chapter two, the vote motive comes first among all other motives because only when the politicians are elected would they be able to fulfil their office, profit, and policy motives.

Surprisingly, the legislators are often open about their vote motive. For instance, Rajesh Tacho, a Congress MLA who had joined the BJP in Arunachal Pradesh, said he decided to re-join the Congress as the BJP had denied him a ticket to contest the upcoming elections (Saikia, 2019). He said, "I have joined the Congress for now, but if the BJP gives me a ticket, I may rejoin"²²⁴ (Saikia, 2019). As Table 5.1 shows, on average, 91 % of defectors are given tickets to contest in the subsequent elections by their new parties. This implies that defectors have a greater chance of getting a ticket, influencing the legislator's decision to quit their parent party and join a new party. The research data shows that irrespective of party type —established, recent, major or small party, all parties are more likely to give a ticket to the defectors when the party perceives the defector might help increase its political strength.

Table 5.1
Defectors Issued Tickets in the Subsequent Elections (2014-2021)

SL. No	State	Number of Defectors	Defectors Given Ticket (%)	Ticket in Same Constituency (%)
1	Andhra Pradesh	31	72	69
2	Arunachal Pradesh	42	97	94
3	Assam	19	74	63
4	Bihar	20	95	90
5	Chhattisgarh	4	100	100

²²⁴ This reminds us how Gaya Lal, an MLA in Haryana in 1967, switched three parties in a fortnight. Similarly, A.D. Latiff, a minister in Assam in 1979, switched three parties within 35 hours (Kamath, 1985, p.1049). This type of switching has led to political commentary like, politicians today are ready to have breakfast with one party, lunch with another party, and dinner with a different party.

6	Delhi	13	92	75
7	Goa	17	100	100
8	Gujarat	32	77	71
9	Haryana	16	69	63
10	Himachal Pradesh	2	100	100
11	Jharkhand	25	96	92
12	Karnataka	37	100	97
13	Kerala	7	100	100
14	Madhya Pradesh	33	100	97
15	Maharashtra	27	97	97
16	Manipur	33	100	100
17	Meghalaya	13	100	100
18	Mizoram	5	100	80
19	Nagaland	27	100	100
20	Odisha	9	89	67
21	Puducherry	10	80	50
22	Punjab	14	83	83
23	Rajasthan	17	92	67
24	Tamil Nadu	34	68	65
25	Telangana	48	100	94
26	Tripura	8	100	100
27	Uttar Pradesh	48	91	85
28	Uttarakhand	13	85	85
29	West Bengal	57	84	67
	Average		91	84

Source: Calculations based on the data compiled by the researcher.

Note: For calculation purposes, the Union Territories of Delhi and Puducherry, which have State legislatures, are considered States. In this period, defections were not noticed in Jammu and Kashmir. Though Sikkim had twelve defections in 2019, Sikkim is not considered here because it is yet to have elections post-defections to see how many defectors were given tickets in the subsequent elections.

The figures in Table 5.1 indicate that irrespective of the political parties that the defectors switch to, they have higher chances of getting tickets from their new party. This shows that the primary motive of legislators – the vote motive is being fulfilled by the political parties. Table 5.1 displays that all defectors (100%) were given tickets in twelve states. Several defectors were not given tickets in states like Haryana, Tamil Nadu, Andhra Pradesh, Assam, and Gujarat. This could be because of increased competition between the party loyalists and defectors in the constituencies.

Besides, Table 5.1 also shows that, on average, 84% of the defectors were given tickets by the accepting political parties in the same constituency. This might be because the MLAs would have established personal ties in the constituency. The defectors might predict higher chances of winning by contesting from the same constituency instead of a different constituency. This shows whether the candidate is ‘local’ or ‘non-local’ matters. The candidates are comfortable in their previously contested constituencies. This might be because the legislators want to mix their personal following with the popularity/support of the new party.

5.2.1.2 Office Motive

Ambitious politicians would like to receive office benefits once elected as legislators. Most legislators would like to be appointed as ministers or chairpersons of state-owned boards or to be members of various state-owned committees. The state controls a variety of offices, and those who hold state offices are entitled to plenty of benefits. Therefore, most legislators want to be associated with the government. It is well known that the prestige, power, and access to state resources and services are higher for a minister than for an MLA. As a result, ambitious legislators switch parties when they are promised a key position in the ruling party, ministerial position, or chairperson of a state board or any other office that the state controls.

Although news reports highlight that the defectors are rewarded with various offices, there is no systematic study in the Indian context. In India, which follows a parliamentary form of government, legislators aim for cabinet/ministerial positions, unlike in the European Parliament and the USA, where legislators value being in committee²²⁵. Several illustrations in India reinforce the argument that ministerial positions (office motive) influence legislators to switch parties. The following table provides a systematic analysis of the number of defectors rewarded with an office in the fourth-party system.

²²⁵ As discussed in Chapter two, in the presidential system it is the Committees that decide on what goes into the policy in the legislature.

Table 5.2
Defected MLAs Rewarded with Office/Positions (2014-2021)

Sl. No	State	Number of Defectors	Defectors given Positions*	Defections had destabilised or influenced the formation/sustenance of state government
1	Goa	17	13	Yes
2	Madhya Pradesh	33	17	Yes
3	Karnataka	37	19	Yes
4	Himachal Pradesh	2	1	No
5	Tripura	8	4	No
6	Mizoram	5	2	No
7	Uttarakhand	13	5	Yes
8	Assam	19	6	No
9	Meghalaya	13	4	No
10	Puducherry	10	3	Yes
11	Nagaland	27	7	No
12	Haryana	16	4	No
13	Manipur	33	7	Yes
14	Arunachal Pradesh	42	7	Yes
15	Sikkim	12	2	No
16	Andhra Pradesh	31	4	No
17	Odisha	9	1	No
18	Gujarat	32	3	No
19	West Bengal	57	5	No
20	Telangana	48	4	No
21	Maharashtra	27	1	No
22	Tamil Nadu ²²⁶	34	1	No
23	Uttar Pradesh	48	1	No

Source: Calculations based on the data compiled by the researcher.

Note: In Bihar, Chhattisgarh, Delhi, Jharkhand, Kerala, Punjab, and Rajasthan, defectors were not given any positions. *Positions here would include ministerial positions and other offices like Speaker, deputy speaker, party whip, and chairpersons of cash-rich state boards.

²²⁶ In addition, in Tamil Nadu, MLA, Senthil Balaji of AIADMK defected to the DMK in 2017 and he is appointed as Minister for Electricity, Prohibition and Excise in the present DMK government.

The figures in Table 5.2 indicate that the office benefit is not uniform across states. The reasons for this variation among the states are due to the following factors. First, the defectors would receive office benefits only when they have switched to the ruling party. Hence, the direction of defections decides the rewards to the defectors. It is the ruling party that has access to various state resources. Second, the defectors are likely to receive office rewards only when they are successful in the subsequent elections.

Third, more importantly, it depends on how vital²²⁷ the defectors' support is to the ruling party in the state. As the data reveals, switching parties for 'office' is more when the government is replaced due to defectors' support and when the government's sustenance depends on the defector's support. Nevertheless, the allocation of office to the defectors also depends on how badly the party needs the defectors' support and the legislator's popularity.

The three main states that rewarded the defectors the most are Goa, Madhya Pradesh, and Karnataka. Interestingly, in the case of Goa, several Congress MLAs switched to support the BJP-led coalition government with a slim majority. Likewise, in the case of Madhya Pradesh and Karnataka, the MLAs defected to topple the existing Congress government and Congress (JD(S)) coalition government, respectively, to form a BJP government. Therefore, most defectors in these three states have received office benefits.

The number of defectors rewarded with office is less in states such as Tamil Nadu, Odisha, Maharashtra, Uttar Pradesh, and Himachal Pradesh, where government stability did not depend on the support of defectors. The other reason is in these states most of the switches in these states were from one opposition to another opposition or to start a new party that did not enjoy much access to state resources. Further, the chances for the switcher to be appointed as a minister are greater if the MLA has served several terms, has a large following among ethnic/caste groups or geographical locations, and served as a minister under the previous governments, and so on. The support that the senior and experienced defectors might bring to the party is higher than what a junior can get.

²²⁷ In this study vital would mean the extent to which the support of defectors play in de-stabilising the elected government and in forming a new government.

In India, it is not new for defectors to be appointed ministers, especially when the support of defectors is essential for the party to maintain a majority in the assembly. For instance, in UP, the then chief minister Kalyan Singh had appointed 98 defectors as ministers. After the whimsical appointment of defectors as ministers, over a period to restrict the allocation of office benefits to the defectors, the parliament passed the 91st Constitutional Amendment Act. The Act limits the strength of the ministers to 15% of the total strength of the parliament or legislative assembly. As there is a cap on the number of ministers, parties try to accommodate the defectors in other positions like appointing as Chief Whip of the party, Speaker or Deputy Speakers or chairman of state boards or advisors²²⁸ to the ministers.

It is observed that most defectors receive office benefits when a party forms the government with defectors' support. For instance, in Karnataka in 2008, when six independent candidates defected to BJP, five out of six defectors were rewarded with ministerial posts, and one was made chairman of a board (Ruling BJP makes clean sweep, 2011; Srinivasaraju, 2008). Similarly, during 'Operation Kamala-1'²²⁹ seven MLAs in Karnataka resigned from their newly elected seats, of which four were from JD(S), and three from Congress. Four of the seven legislators who joined the BJP instantly became ministers (Srinivasaraju, 2008).

Likewise, during Operation Kamala -2.0²³⁰ fourteen out of fifteen MLAs who won as BJP candidates in the subsequent bye-polls were made ministers, and one was appointed as the Chairman of Mysore Sales International Ltd. in Yediyurappa's government in 2020 and 2021. Likewise, in MP, 14 out of 25 Congress MLAs who switched to BJP in March 2020 were appointed ministers even before they were elected to the assembly²³¹. Interestingly, in all these above-

²²⁸ Interestingly, in Arunachal Pradesh, chief minister Pema Khandu appointed 22 MLAs as advisors to ministers on 16th October 2020. Since several MLAs had switched from the Congress to BJP, once Khandu became the chief minister, he tried to accommodate all those who had defected with him by offering certain positions in the government (22 MLAs appointed as advisors to Ministers, 2020).

²²⁹ In order to reduce BJP's dependence on independent candidates and to weaken the strength of Congress and JD(S), BJP in Karnataka started what was called '*Operation Kamala*' (Operation Lotus). This was a strategy in which the elected representatives of Congress and JD(S) were made to resign to their newly elected seats and contest in by-polls under the BJP ticket (Ali, 2009).

²³⁰ After almost ten years, Karnataka witnessed a repeat of Operation Kamala which happened in 2008. In 2018 assembly elections Karnataka witnessed a hung assembly with no party receiving the majority, Congress, and JD(S) formed a coalition government. However, in 2019, after the Lok Sabha elections, seventeen Congress and JD(S) MLAs resigned from their parties to join the BJP.

²³¹ Later three ministers were dropped when the defected MLAs lost the bye-polls.

discussed cases, the support of defectors was crucial in the formation and maintenance of government.

In contrast, the number of defectors receiving rewards would be less if the parties had a clear majority. For example, in Gujarat, 28 MLAs from Congress defected to the BJP between 2017 and 2020; however, only three defectors were appointed as ministers, and one defector was appointed as chairman of the Industrial development board.

Similarly, in Telangana, 29 MLAs from various parties, such as Congress, TDP, BSP, CPI, and YSRCP, defected to TRS between 2014 and 2016; nevertheless, only two defectors were appointed as ministers. Further, in the post-2018 assembly elections, nearly 15 MLAs from the Congress and the TDP joined TRS, and only one defector was appointed as a minister and another as Chief Whip of the TRS Party. One can argue that parties calculate the costs and benefits before rewarding a defector with office benefits. This indicates an association between the necessity of the defectors' support for the party and the rewards offered to defectors.

The former chief minister of Karnataka, B S Yediyurappa had promised in his 2019 bye-poll election campaign that all defectors who would win on BJP's ticket in the bye-polls would be appointed as ministers. This indicates the party leaders who welcome defectors, offer a ministerial position to the defectors, and the ambitious legislators to fulfil their 'office motive' accept those offers. Therefore, substantial evidence shows that office motive plays a vital role in influencing legislators to change party affiliation. However, it should not be generalised that all defectors will be given ministerial positions because, given the limited number of ministerial posts, only the vital defectors are rewarded with the office. It can be argued that defectors will be given ministerial positions, especially when the ruling party needs the defectors' support to hold the party's majority to form a government.

5.2.1.3 Oligarchic, Elitist, and Centralised Nature of Political Parties in India

Most parties in India are oligarchic—where the decision-making is concentrated among the elite members within the party (Vaishnav, 2017, p.134). Therefore, the legislators might leave the party when they feel their voice is not heard or their contribution and hard work to the party is not recognised. As can be noted from Table 5.9, nearly 23% of the MLAs switched parties due to

reasons like- the dictatorial attitude of the leader of the party and humiliation by the party leadership and non-recognition of their contribution. However, the number of legislators rebelling against the party and joining a different party is marginal. Since most parties in India are oligarchic, parties might not readily welcome the rebels unless the parties require the support of defectors. Because the party might be suspicious that the defectors might rebel against the party once they are into the new party when their interests/motives are not fulfilled.

Political parties in India, besides being oligarchic and elitist, are centralised. Centralisation means following the ‘high command culture’ within the party, where the president takes all crucial decisions. The high command culture was started by Indira Gandhi, post-1969 split in the Congress Party (Jayaramu, 2022). It was very much practised under her son Rajiv Gandhi. From then on, in the Congress party, the party leader at the centre was directly involved in appointing chief ministers and ministers in states and distributing tickets to candidates to contest in parliamentary and assembly elections.

Surprisingly, movement-based parties like the DMK and the Shiv Sena have become leader centric over the years. The identity-based parties like RJD, Janata Dal, and the Samajwadi party have emerged as leader-centric parties (Kailash, 2022b). Further, he underscores that the political parties like the NCP, YSRCP, and AITMC split from the Congress party, asserting that the party did not follow internal democracy and is a leader-centric party. Remarkably, these three parties have become leader-centric.

Similarly, the AAP, which claimed to be a party different from the existing parties, has become a personality-based party²³². In addition, the BJP, which constantly criticises the high command culture and the dynastic nature of the Congress party, has become a leader-centric and personality-based party (Kailash, 2022b). Presently in India, in most parties, the central leader decides on the candidates’ contesting elections at the parliamentary and state level, the chief ministerial candidate, and the ministers. In this direction, regional parties like AITC, TRS, TDP, DMK, and JD(S) are also marked by high command culture (Jayaramu, 2022). Today, most political parties follow high command culture (Kishore, 2020; Mohan, 2021). Therefore, some

²³² Personality based parties are those parties that are organised around an eminent leader who becomes more important than the party and its ideology. Parties are known by their leaders rather than by their manifesto.

legislators who think the party is neglecting their contribution switch parties or start their own parties. However, legislators though they switch when they are unable to fulfil their ambitions, they project their shift of parties is due to 'principled cause', i.e., party and leadership related factors, and to better represent their voters.

5.2.1.4 Lack of Clear Ideological Stand among Parties and Candidates

It has been highlighted that from the 1980s onwards, political parties in India did not have a clear ideological differentiation on policy issues (Sarangi, 2016). This is mostly due to the compulsions of coalition politics, where parties must compromise their ideological orientation (Sarangi, 2016). Correspondingly, Banerjee (2004) has argued that the politicians to be in power - to be appointed as ministers, and elected as MPs, MLAs, or MLCs, easily switch their loyalties. Hence, ideology does not seem to be an essential factor for the legislators in choosing political parties.

Scholars like Vaishnav (2017, p. 136) argue that political parties in India do not have the programmatic difference²³³, but the parties' variance is on non-economic issues. Aspects like religion²³⁴, region, caste, and language have taken the place of ideology. Based on this broad definition of ideology which includes the non-economic aspects, Varshney has identified three ideological core that is present among political parties in India. They are secular nationalism, Hindu nationalism, and caste-based justice²³⁵.

In India, most parties have similar views on the welfare state, privatisation, poor, and Dalits. Though sometimes, to an extent, it is argued that the BJP is ideologically different from other parties, as it tries to implement its Hindutva ideology. Nonetheless, due to electoral compulsions, the BJP compromises its ideological position at the state level. For instance, BJP does not raise the beef ban issue in states like Kerala and the north-eastern states because beef

²³³ Programmatic difference means clear ideological difference on economic policies and parties consistently fight elections based on their clear-cut policies.

²³⁴ The parties associated with a particular ethnic or religious identity are less likely to see party switching. For instance, none of the legislators defected from All India Majlis-e-Ittehad-ul Muslimeen (AIMIM) to TRS in the first or second term when MLAs of several parties switched to the TRS. The AIMIM presently has seven seats in the Telangana assembly and historically it represents a particular religious group. As the literature suggests, voters oppose the incumbent's move out of parties owned by their groups. The representative who mainly represents only one section would not be welcomed by parties representing diverse social groups (Mershon & Shvetsova, 2013).

²³⁵ The Congress is mainly identified with secular nationalism, the BJP is associated with Hindu nationalism, and smaller and regional parties are identified with demand for caste-based justice (cited in Vaishnav, 2017, p. 137).

consumption is common in these regions (BJP candidate for Kerala, 2017; Kurian, 2021). Since there is a lack of ideological differences among the parties, it helps the candidates to switch parties frequently as there is no prerequisite of ideological orientation among the party members.

5.2.1.5 Dynastic Nature of Political Parties

Dynastic parties are those where a single family controls the party's top leadership. Dynastic parties will not believe in strong party organisation. They fail to practise intra-party democracy either while nominating candidates or electing party leaders and office-bearers (Chhibber, 2013). As observed by Chhibber, the internal organisation of dynastic parties is systematically different from that of non-dynastic parties (Chhibber, 2013). Besides, dynastic parties have also resulted in party system instability, and voters view dynastic parties as less likely to represent their interests (Chhibber, 2013).

In India, most national or regional parties are dominated by a single family and promote the rule of the family²³⁶ (Ashraf, 2017; Chhibber, 2013). When a few party members hold power to distribute tickets and office, the defectors easily quit the parties and join other parties. Because the defectors can have a direct negotiation with the party leader regarding the payoff/rewards that the defector would receive for leaving his parent party and joining the new party. The members of well-developed organisational parties are more likely to resist defectors joining their party because it reduces their chances of moving up the hierarchy (career possibilities).

In contrast, in dynastic parties, since the leader mainly controls the party, it has lesser constraints in permitting the entry of defectors because the party leader decides on the position of an incoming politician instead of a committee (Chhibber, 2013, p. 287). Reflecting on the dynastic nature of political parties in India, Chandra (2016, p. 38) highlights that if the political parties re-nominate a dynasty, it lowers the likelihood of an intra-party rebellion by putting in place a predictable principle of succession that is less likely to be contested by the outsiders and within

²³⁶ The intensity of dynasts in the parliament can be noted from the following analysis. All MPs below 30 years in the 15th Lok Sabha belonged to political families (R. Singh, 2014). Besides, senior leaders from most parties field their sons, daughters, and nephews in the Lok Sabha and assembly elections. In India, dynastic ties are considered a key aspect in ticket distribution (R. Singh, 2014).

the family. She further notes that parties often openly announce preferential quotas for dynastic candidates to minimise defections.

In 2009, 28% of the MPs were dynasts, and in 2014, though it reduced to 21% it was still at a significant level. Nearly 64% of all political parties that at least had one seat in parliament are dynastic parties. Studies also suggest that dynastic politics is very much present in the state legislature (Chhibber, 2013; Chandra, 2014, p. 25). In 2014, nearly 73% of the dynastic MPs were re-nominated, and 64% of non-dynasts were re-nominated (Chandra, 2014). The organisational weakness of political parties is one of the key reasons that sustain dynastic politics. On the one hand, nominating a dynast helps the parties to substitute their weak local-level party organisation as the kinship ties that the candidate enjoys help the party to receive support. On the other hand, weak party organisation does not constrain the distribution of tickets to the dynasts (Chandra, 2014, p. 26).

The dynastic nature of political parties is helpful both for the political parties and the defectors. On the one hand, defectors prefer dynastic parties as the defectors can quickly negotiate the rewards of switching with the party leader. On the other hand, political parties might choose the defectors who are dynasts because the dynasts will have a family legacy and would have established a support base in a particular region. Therefore, if a political party is weak in any region/constituency, the party might welcome defectors with a dynastic background to increase the party's strength in areas where the party is weak.

5.2.1.6 Less Organised Nature of Political Parties

The nature of the organisation of political parties is an essential aspect in keeping the party members together. Chhibber et al. (2014, p. 499) have shown that most political parties in India are less organised. They highlight that if parties are less organised, there would be more defections because the defectors can enter other parties directly to a high level (lateral entry). In contrast, this becomes harder when parties are well organised (Chhibber et al., 2014).

In addition, in well-organised parties, the party members would remain loyal to the party because they are sure of career advancement, and the members can predict their chances of moving up in the party hierarchy. The lack of transparency in ticket distribution by political parties in India can

be seen in the heated public fights between the candidates and the party. For instance, Jaswant Singh, who served as BJP MP and former Union Minister, was denied a ticket from the Barmer Parliamentary constituency in Rajasthan to give a ticket for Sonaram Chaudhary, who had defected from Congress to the BJP (R. Singh, 2014).

Most political parties in India have some form of organisational structure. However, it varies from party to party, depending on the party's nature and size. Some parties have formal organisation, and some have informal organisation. Others rely on just one person, primarily the head of the party (R. Singh, 2015, p. 7). Most parties in India have constitutions describing the organisational structure, leadership, selection of office bearers, and membership details. However, most parties do not abide by their party constitutions. Hence, the less organised nature of political parties influences legislators to switch between parties.

5.2.1.7 Weak Intra-party Democracy

Most political parties in India are leader-centric and lack intra-party democracy. Only a few parties conduct elections regularly to elect the party office bearers. Most political parties do not maintain a proper record of membership, decision-making, and policies adopted by the party. Except for the CPI(M) and the BJP, which are considered cadre parties, most parties are categorised as mass parties. In mass parties, the party membership is open to everyone, and the parties claim to represent the interest of the masses instead of a particular category. Though the Left parties conduct elections regularly, they are primarily non-competitive²³⁷ (Hasan, 2010, pp. 248-249).

Hasan, further notes that even the BJP is not an institutionalised party because the RSS suggests the party president's name, and then the president appoints all other office-bearers (Hasan, 2010, pp. 248-249). Likewise, concerning the efforts to improve intra-party democracy in the Congress Party, she notes that though Congress Party under Rahul Gandhi made efforts to introduce inner-party democracy. It has not worked²³⁸ either because Rahul Gandhi had failed to put his heart into it or the senior leaders have stopped/prevented fearing marginalisation of the senior leaders (Hasan, 2010).

²³⁷ In the last decade, left parties, except in Kerala have lost their ground electorally.

²³⁸ After several years it was in October 2022 that the elections to the Congress party president were held.

Suri (2005) highlights that it is surprising that, on the one hand, the political parties deepened democracy in India by giving more tickets to backward caste members (p.8). On the other hand, political parties themselves have become internally less democratic. Further, the lack of internal democracy in parties is examined by Vaishnav (2017). Using ADR data, he has shown that the candidates with criminal charges had greater chances to win elections than candidates with a 'clean record'. Similarly, those with the highest assets had greater chances of winning than the poorest candidates (Suri, 2005, p. 8).

According to the information given by six major parties to the Election Commission of India on internal elections, it was noticed that none of the parties provided information on the nature of elections, i.e., whether nomination or closed ballot and the number of delegates voted for positions and the names of the delegates. Instead, parties merely gave information on the delegates who attended the session, names, and posts of office bearers, and dates for the next elections (R. Singh, 2015).

Based on data analyses by ADR, all major political parties give tickets to candidates with criminal backgrounds. Parties seem to be giving tickets based on the concept of 'winnability', - preferring those with money and muscle power (R. Singh, 2014). Time and again, the ECI and other Commissions on electoral and political reforms like the Goswami Committee (1990), Vohra Committee (1993), Indrajit Gupta Commission (1998), Law Commission (1999), NCRWC (2001), and Second Administrative Reforms Committee have recommended barring candidates with criminal cases from contesting in elections (R. Singh, 2015). In addition, occasionally, political leaders also raise the same issue and argue that some measures are necessary to bar candidates with criminal backgrounds.

It is essential to have intra-party democracy for the following reason. First, it helps the members hold their representatives accountable, and the members can also be part of policy decisions. Second, across countries, there is a decline in membership in political parties. The usual reason for this decline is that the members are dissatisfied with the functioning of political parties (R. Singh, 2015). Therefore, to increase satisfaction, parties need to have intra-party democracy.

The 170th report of the Law Commission of India has highlighted the need for intra-party democracy. The report dedicated a complete chapter on the need for laws to maintain intra-party

democracy. The Commission stated that “if democracy and accountability constitute the core of our constitutional system, the same concepts must also apply to and bind the political parties which are integral to parliamentary democracy. A political party that does not respect democratic principles in its internal work cannot be expected to respect those principles in the country's governance. It cannot be a dictatorship internally and democratic in its functioning outside” (R. Singh, 2015). Since most parties lack internal democracy, it is another significant factor influencing legislators to switch parties to get benefits.

5.2.1.8 Development of the Constituency

It is vital for the legislators to create satisfaction among voters over the constituency development. The voters might re-elect the same legislators if they are satisfied with the works carried out by their representatives and reject them if dissatisfied. As per the research data (see Table 5.8), the most cited reason (21%) by the MLAs for changing parties is constituency development. Interestingly, most MLAs who switched parties to the ruling party in the early and mid-term legislative cycle claimed they had switched parties to develop their constituency. We find evidence that like offering pork-barrel in other countries, defectors in India receive special resources for constituency development by the ruling party.

The MLAs from opposition parties often felt neglected and could not fulfil the promises made to their constituents by being in opposition (based on media interviews of defected MLAs). The opposition MLAs view that they do not receive additional funds and projects to improve their constituency, unlike the MLAs from the ruling party. Therefore, most MLAs do not see it morally wrong when they switch to the ruling party. When one evaluates from the legislator's perspective, switching especially to a ruling party does not violate the representation but enhances it.

According to most defectors, they switch parties to deliver better to their constituents. In this regard, Jyothula Nehru, YSRCP MLA from Jaggampeta in East Godavari, viewed that “*Maa pani memu chesukuntamu, vaalla pani vaallu* (we will do our thing, let them do theirs).” He explains that he wanted to achieve four primary goals for his constituency—an industry, housing sites, an irrigation project, and healthcare and education facilities. The MLA justified his defection to the TDP, arguing that the TDP had promised to fulfil all these facilities if he switched. Hence,

he switched from YSRCP on 12th April 2016. He said as an elected representative, he does not need anything other than these developmental works (Devi & Tata, 2016).

Likewise, on 6th November 2019, Narayan Gowda, JD (S) MLA of Krishnarajapet constituency in Karnataka, claimed that B. S. Yediyurappa (BSY) of the BJP gave him 1000 crores for the development of his constituency. Hence, he did not see it morally wrong to support BSY when he could get money to develop his constituency (Disqualified Karnataka MLA claims, 2019). News reports show that huge sums of money were transferred to defector's constituencies in Karnataka in 2008 (Srinivasaraj, 2008).

Further, according to the Forum for Good Governance, in Telangana, crores of 'Special Development Funds' were granted to constituencies of MLAs who defected to TRS from the TDP. Reportedly, 23 crores were sanctioned to Rajender Reddy's Constituency (Narayanapet), and 20 crores were given to Dayakar Rao, who represented Palakurthi, Assembly Constituency (S. Reddy, 2018).

The need for more developmental works can also be cited as one of the reasons why when the legislators at the higher level (MPs and MLAs) switch, lower-level representatives (Village, Taluk, and Zilla panchayat presidents and members) switch parties along with their leaders. Because the local-level politicians consider that they cannot get 'things done' (projects/funds) to develop their area if the MLA and local leader (Gram Panchayat president) are from different parties.²³⁹ This is similar to the way the MLAs mostly switch to the ruling party at the centre to have greater access to developmental projects and other resources. This further reiterates that in a federal country, the government at one level can influence defections at different levels.

5.2.1.9 Role of Money and Crime

The extensive role of money in Indian politics cannot be ignored. The role of money in elections is examined by scholars like Chauchard (2018), Sircar (2018), Vaishnav (2017), Kapur and Vaishnav (2018), and Suri (2021b). Money is one of the significant factors that influence

²³⁹ Opinion expressed in an interview by Gram Panchayat President who was a staunch TDP supporter for 15 years but had switched to TRS when MLA of his constituency switched to TRS (Interviewed in Nizamabad Constituency on December 16th, 2015). It must be noted here that officially at the local self-governing bodies candidates cannot contest based on party label.

legislators to switch. Whenever the legislators defect, the role of money comes into the limelight. We hear about the leaked video or audio tapes where the parties/leaders offer crores of money to the defectors.

For instance, in Karnataka, both during Operation Kamala -1 and 2.0, there were media allegations that the BJP bribed crores of rupees to the JD(S) and the Congress legislators to leave their parties and join the BJP. In fact, in 2019 by-polls, it was noticed that there was a massive increase in the financial assets of Congress and JD(S) legislators within a year ²⁴⁰. Also, the newspaper reports highlighted that a huge amount of money was transferred into defectors' accounts during the same time when the Congress and JD(S) coalition government was toppled (Mohammed, 2019). For example, the assets of MTB Nagaraj, a Congress MLA who defected to the BJP, increased by more than 185 crores in 18 months. There were 53 term deposits into his accounts in the same period (August 2019) as the collapse of the Congress-JD (S) coalition government. Mr. Nagaraj also purchased a car worth 11 crores in 2020 (Disqualified Karnataka MLA buys, 2019).

Similarly, there are reports that some politicians switch parties to protect their illegal wealth or to discard some criminal cases against them. For instance, it was reported that out of the four TDP Rajya Sabha MPs who joined the BJP on 21st June 2019, two of them ---C. R Ramesh and S. Chaudhary were under the scanner of central investigative agencies, the Central Bureau of Investigation (CBI), the Enforcement Directorate (ED), and the Income Tax Department (Mahurkar, 2019).

Table 5.3
Post- Defection Exponential Growth in Income of Top Ten Candidates

SL. No	MLA	State/UT	Party Switched To	Pre- & Post-Switch Election Years		Pre-Switch Assets	Post-Switch Assets	Increase in Assets (%)
1	Pallab Lochan Das	Assam	INC to BJP	2011	2016	100000	5455359	5355%

²⁴⁰ A comparison was made between defected candidates' financial assets declared during 2018 assembly polls and 2019 by-polls.

2	Jai Prakash Singh Bhogta	Jharkhand	JVM To BJP	2009	2014	920000	19830000	2055%
3	Bheem Lal Arya	Uttarakhand	BJP to INC	2012	2017	416000	5487973	1219%
4	Abu Nasar Khan Choudhury	West Bengal	INC to AITC	2011	2016	2977708	36864964	1138%
5	Amar Kumar Bauri	Jharkhand	JVM To BJP	2014	2019	733500	8941038	1119%
6	Dr Shailendra Mohan Sinhal	Uttarakhand	INC to BJP	2012	2017	31953804	351432020	1000%
7	Naseem Ahmed	Haryana	INLD to BJP	2014	2019	3826976	36972641	866%
8	Lalrinliana Sailo	Mizoram	INC to MNF	2013	2018	3601219	32285199	797%
9	Pasam Sunil Kumar	Andhra Pradesh	YSRCP to TDP	2014	2019	7828580	57012201	628%
10	Vantala Rajeswari	Andhra Pradesh	YSRCP to TDP	2014	2019	410000	2740639	568%

Source: Compiled by the researcher using assets declared by the candidates available at ADR (<https://myneta.info/#ls>).

Table 5.3 indicates the assets of MLAs with exponential growth after defection. Interestingly, most of these MLAs have switched to the BJP. In addition, to the exponential growth of assets of these ten MLAs, the research data shows, on average, there was a 130 % increase in the assets of 460 defected MLAs post-defection (based on researcher's data).

Incidentally, the role of money in party switching is multi-dimensional. On the one hand, the parties would offer money when the parties require the support of defectors either to form a government or to sustain the government. On the other hand, defectors might switch to the parties to protect their illicit income and assets from being raided by government investigative agencies.

Further, a wealthy legislator who has been denied a ticket might switch to another party that offers him a ticket. The defected candidate can financially contribute to the party for offering a party ticket. The other interesting case regarding the role of money in defection was seen in Uttar Pradesh; MLAs like Swami Prasad Maurya, Mamtesh Shakya claimed that they were forced to leave the BSP and join SP and BJP, respectively. Because the BSP supremo Mayawati demanded

them to contribute a massive amount of money to the party to run on the party's ticket (Chauhan, 2016; Thakur & Varma, 2016). This shows the underlying role of illegal finance in defections and how switching parties has become a multi-crore business.

Along with money, criminality also seems to influence defections in India. As per the data, nearly 36% of MLAs, i.e., 239 MLAs, had criminal cases against them. In addition, several MLAs had more than one criminal case. Despite parties being aware that some MLAs had as many as 45 cases, the parties have accepted the defectors and have given party tickets. This reiterates the explanation Vaishnav (2017) highlighted that both the political parties and the voters prefer candidates with a criminal background and wealth to candidates with credible qualities. The reason being most political parties in India lack party funds and hence look for self-financing candidates. Further, for all political parties winning elections has become the ultimate aim.

5.2.1.10 Pressure from the Constituents

As per the research data, few MLAs have claimed that they switched parties because there was pressure from the constituents to quit their present party and join the ruling party. Reflecting on this, in an interview²⁴¹, Atram Sakku, an MLA of Asifabad in Telangana, said that 'he did not wish to leave Congress Party, but he was forced to join the TRS because his constituents wanted him to switch, to receive developmental funds'. One can observe that these kinds of explanations are given mainly by the legislators joining the ruling party from the opposition. This explanation helps the legislator claim their defection as 'principled' and not 'opportunistic'.

5.2.1.11 Influence of Party Leadership

a) Lack of Able Leadership in the Present Party

The literature underscores the party leader's role in mobilising the voters during elections (Shastri & Syal, 2014). As the research data shows, nearly 28 MLAs, especially those who have quit the Congress Party, have said they left the party because of a leadership crisis. Here it must be noted that the Congress Party has weak leadership in several states, and the party took almost three years to appoint a full-time party president after the resignation of the party president Rahul Gandhi in

²⁴¹ Interview was conducted by the research assistant in April 2019 in Asifabad.

2019. As Figure 5.2 shows, in the fourth-party system, it was the Congress party that lost most legislators. One of the key factors might be weak leadership in the party.

b) Death of the Leader of the Party

It is widely known that political parties in India are leader-centric. In this context, the sudden death of a party leader who has not identified the successor may result in large-scale defections. However, the existing literature has not paid attention to this aspect. Nonetheless, in the political history of India, we find numerous examples where the death of a leader seems to influence the behaviour of the legislators to switch parties. For instance, the death of NTR and YSR's in Andhra Pradesh led to the split of TDP and Congress. Similarly, the death of Maruthur Gopalan Ramachandran (MGR) and Jayalalithaa's in Tamil Nadu, factions in AIADMK, and resulted in start-ups. A significant number of defections occurred after the death of these leaders.

5.2.1.12 Access to State Resources

In both parliamentary and presidential systems, the ruling parties have higher access to state resources and political influence. Therefore, legislators most often prefer to join the ruling party as they can deliver more to their constituency, enabling them to get re-elected. This might be the reason that most defectors have switched to the ruling party in the fourth-party system (see Figure 5.1). This trend of switching towards the ruling party at the state or centre is observed in all four phases²⁴².

In this regard, Kailash (2022b) has argued that among the three faces of a political party, i.e., the party in public office, the party central office, and the party on the ground, it is the party in public office that has emerged powerful. This change is because today, all parties aim to win elections because winning elections gives access to a wide range of state resources (Kailash, 2022b). Political parties across the board have started accepting/welcoming the defectors. He claims that political parties no longer stand for a particular ideology; instead, winning elections to capture power and access state resources seems to be the primary goal of the political parties. Voters in India also seem to care less about the party their representative belongs to as long as they bring them constituency developmental benefits. After examining why the legislators in India

²⁴² See Chapter three, for more details on defections in four phases.

switch parties, the following section highlights the probable reasons political parties admit the defectors.

5.2.2 Why do Political Parties Welcome/Accept Defectors

As discussed in chapter two, on moral grounds, party switching violates the principles of representative democracy as it breaches people's mandate. Hence, on normative foundations, one might expect that parties would hesitate to accept the defectors into the party for fear of public criticism by the voters, their traditional supporters, party members, and the political parties from which the legislators defect. Nonetheless, political parties in most representative democracies' welcome defectors, offer them tickets and reward them with an office. There are only a few exceptions where political parties do not accept/welcome the defectors. Surprisingly, even political parties claiming to be different, like the AAP, BJP, and the Left parties,²⁴³ welcome defectors.

Nonetheless, occasionally to avoid criticism, parties might argue that they would not accept defectors from other parties unless they resign from the membership of their previous party and their legislative position and contest elections on the new party symbol. For instance, after the 2019 elections, when some TDP MLAs expressed their willingness to join YSRCP, the party president Y S Jagan stated that the party would not accept the defectors unless they resigned from their previous party membership and MLA post. The party took this step because between 2014 and 2019, when several MLAs from YSRCP switched to the TDP in AP and the TRS in Telangana, YSRCP party members had openly criticised political parties for poaching their representatives (Sridhar, 2019). The members of YSRCP had approached the High Court of Andhra Pradesh, demanding the court's intervention to ask the Speaker to act on defections. To avoid anticipated criticism from the TDP, the YSRCP made such an announcement. The following section points out the factors that facilitate the political parties to welcome defectors.

²⁴³ In 2013, AAP was seen as a party with a difference based on its way of selecting the candidates and campaign style which was different from the other established parties. However, over a period, AAP has also become like other parties in terms of giving tickets to candidates with criminal background and those who own huge financial assets, high command culture in the party, accepting the defectors and so on. The BJP and Left Parties were seen as different as these two parties were cadre-based parties and had clear ideologies unlike most of the centrist parties in India. However, presently we do not see any difference between the parties on defections.

5.2.2.1 Lack of Ideological Commitment

As discussed in chapter two, one of the reasons for low party switching in countries like the USA, UK, and Australia is due to strong ideological differentiation between parties and the voters. But in India, parties do not have such ideological differences. As a result, party switching occurs routinely in India. In India, political parties, unlike in the past, which had service to the people as their motto and stood for a particular ideology, today, especially after the 1980's when the electoral competitiveness in India increased, parties to increase their seat share and form governments give tickets to the defectors without considering their ideological orientation (Sarangi, 2016; Banerjee, 2004). Since parties lack ideological commitment, parties are readily accepting members from rival parties without any reluctance.

5.2.2.2 Absence of State Funding for Election and Deficit Party Coeffs

In India, political parties need vast sums of money to fight elections in parliamentary and assembly constituencies, given the size and the number of voters per constituency²⁴⁴. Parties require money for consulting, advertising, travel, fuel, and printing of campaign materials that reach voters and others. From the pre-independence period, parties to meet their financial requirements have depended on big businesses houses, or wealthy individuals (Sridharan, 2006). Over a period, ECI has brought strict laws on electoral funding in the form of restrictions on contributions and a ceiling on the amount that can be spent by political parties in each assembly and parliamentary constituency²⁴⁵. However, most politicians accept that they spend nearly ten times more than the amount the Election Commission of India has fixed.

Concerning party funds, Vaishnav (2017) has stressed that in India, the coffers of most political parties are empty. Therefore, the parties look for self-financing candidates²⁴⁶. Interestingly, as many as 239 defected MLAs had criminal cases, and 134 defected MLAs had two or more criminal cases. Likewise, most defected MLAs also own large-scale assets, and as mentioned earlier, the defector's assets increased by 160 % on average after switching parties. This

²⁴⁴ In India, an MP represents 14 to 16 lakh voters, and an MLA represents 2 to 4 lakh voters. This is the largest number a legislator in the world is representing presently.

²⁴⁵ Presently, political parties can spend between 70 and 50 lakhs in parliamentary elections and 20 to 28 lakhs in assembly elections, depending on the size of the state.

²⁴⁶ Self-financing candidates are those who do not depend on a party's financial contribution for election expenditure. Instead, the candidates contribute to the political parties by using the party label.

indicates that the defectors have both money and muscle power. Therefore, parties welcome the defectors because political parties would look for candidates who can finance themselves to fight elections. Thereby, the parties can spend their limited funds on other expenses like campaigning, advertising, organising rallies, and paying for the party workers.

The political parties believe that self-financing candidates can improve the parties' financial position. So, parties welcome the defectors ready to spend on their own. According to ADR data, in the 17th Lok Sabha, 43% of MPs and 40% of MLAs have criminal cases against them. Correspondingly, 88% of the MPs and 78% of the MLAs are *crorepatis*²⁴⁷. This shows that parties give tickets to candidates with criminal cases and substantial financial assets to fight elections on their own instead of depending on party finance.

5.2.2.3 Flaws in the Anti-defection Law: Indian parliament enacted the anti-defection law to prevent political instability and fragmentation of political parties caused by defections. However, from its inception, political parties and legislators have circumvented the law's provisions and used it for their benefit. The ways in which various actors have misused the anti-defection law has been discussed in detail in chapter three. The political parties often welcome the defectors because they can easily and quickly accommodate them into the party.

In addition, the ruling parties are sure that they find ways through the partisan nature of the Speakers to circumvent the anti-defection law (Kumar, 2019; C. Roy, 2020). Besides, the law does not specify any punishment to the political parties driving defections. The research data shows that only 5% and 8% of the defected MLAs were disqualified in the third and fourth phases, respectively. Interestingly, most disqualified legislators belonged to the ruling parties when they shifted to opposition parties or started a new party. This low percentage of disqualification facilitates the would-be defectors to switch parties and the political parties to welcome the defectors. Furthermore, legislators and parties use the exemption of mergers to their advantage.

²⁴⁷ See, (<https://adrindia.org/>).

5.2.2.4 Lack of Clear Majorities in the Legislative Assemblies

In 2014 and 2019, the parliament saw the re-emergence of a clear majority after nearly thirty years of coalition governments. However, several states continue to have coalition governments²⁴⁸ due to increased competition and the multiplicity of political parties. As the literature suggests, defections are more when the parties fail to get a clear majority in the assemblies. Because under huge assemblies, the demand for defectors increases as a switch by a few MLAs can easily alter the power dynamics. Correspondingly, if two parties get close to the halfway mark, but no party has received a majority independently, then defections tend to be more because both parties try hard to form a government. The recent examples of states that lacked clear majorities, as a result, witnessed high defections and increased political instability in the early term include Goa, Manipur, Karnataka, Madhya Pradesh, and Maharashtra.

5.2.2.4 To Influence Elections at Other Federal Levels

As India is a federal country, elections occur at multiple levels. The elections include starting from the grassroots level of the local body, urban body, legislative assembly, legislative council, Lok Sabha, and Rajya Sabha. Thereby, political parties to win elections at one level may influence legislators from other parties to join their party. For instance, several MLAs in West Bengal switched ahead of the Lok Sabha election in 2019 from AITC to the BJP (100 Trinamool Congress MLAs, 2019). Similarly, ahead of the West Bengal assembly elections in 2021, two AITC MPs switched to the BJP. Likewise, nearly 44 MLAs in various states have switched parties ahead of the Rajya Sabha elections.

²⁴⁸ See Table 4.22 for the percentage of coalition governments in the fourth phase.

Table 5.4
Defection of MLAs Ahead of Rajya Sabha Elections (2014-2021)

Sl. No	State	MLAs Switched	Timing of Switch	Defected to
1	Gujarat	27	Mid-term	26- BJP 01-Jan Vikalp Morch
2	Jharkhand	7	Early- term	06- BJP 01-AJSUP
3	West Bengal	6	Mid-term	05-AITC 01-BJP
4	Uttar Pradesh	4	Mid-term	03-BSP 01-BJP
	Total	44		

Source: Calculations based on the data compiled by the researcher.

Table 5.4 presents that as many as 44 MLAs had resigned and joined other parties ahead of the Rajya Sabha elections in the states mentioned above. Interestingly, 34 MLAs (77%) of these 44 MLAs joined BJP from various parties. This indicates that BJP tried to increase its strength in Rajya Sabha as BJP was short of a majority²⁴⁹. This shows how in a federal country like India, switching at one level can change the balance of power at the other level of the federal government.

Besides, in Telangana, ahead of the MLC elections to five seats in March 2019, Congress and the TDP MLAs joined TRS (Congress MLAs jump ship, 2019). With this, the Congress party could not win a single MLC seat. Similarly, to influence the Greater Hyderabad Municipal Corporation (GHMC) elections in 2015, TRS mobilised MLAs, MLCs, and MPs in the GHMC limits from opposition parties like Congress and TDP to quit their party and join TRS²⁵⁰ (Shankar, 2015).

Further, in Telangana, Congress MLAs switched to TRS in April 2019, ahead of local body elections, and campaigned for TRS candidates (4 TDP Rajya Sabha Members join BJP, 2019). These instances indicate that parties to capture power at multiple levels welcome defectors from other parties before elections at various levels.

²⁴⁹ As noted earlier it was essential for the BJP to increase its strength in the Rajya Sabha in order to ensure that the bills are passed without delay or rejection, as it had a comfortable majority in the Lok Sabha but lacked the same in Rajya Sabha.

²⁵⁰ It has to be noted here that along with the elected councillors the MLAs, MLCs and MPs in the GHMC limits can vote in electing the Mayor. This helps the TRS to expand itself in Hyderabad.

It is interesting to examine why political parties with a comfortable majority welcome defectors. In many states, despite winning comfortable majorities, political parties have received defectors in the recent past. For instance, 14 MLAs joined AITMC from opposition parties in West Bengal between 2016 and 2020 despite AITMC winning a clear majority. Similarly, 26 MLAs from opposition parties joined the TRS between 2014 and 2018. In addition, 15 MLAs from Congress and TDP joined TRS between 2018 and 2020. In the 2014 and 2018 assembly elections, TRS had a comfortable majority. Likewise, 23 YSRCP joined TDP between 2014 and 2016, despite TDP having a clear majority. As discussed above, one of the main reasons parties with a comfortable majority welcome defectors are to influence election results at other levels. Another reason could be to weaken and destroy the opposition in the state—this helps the parties to impose their political dominance.

5.2.2.5 Territorial Expansion of the Party

Political parties use defections to expand their base in states where the party is traditionally weak and to expand in weak constituencies within the state. As discussed in chapter four, historically, the ruling parties at the centre have been trying to expand their political strength in states employing defections. Likewise, the BJP has tried to expand itself in states through defections in the fourth-party system.

Table 5.5
Seat and Vote Share of BJP in 2014 and 2022 in the States

SL. No	State	No. of Defections to BJP	Seats in 2014 ²⁵¹	Seats in 2022	Vote share before 2014	Vote share in 2022
1	Andhra Pradesh	1	2	0	2.84%	0.84%
2	Arunachal Pradesh	38	11	41	30.97%	50.86%
3	Assam	15	5	63	11.47%	33.21%
4	Bihar	8	91	74	24.42%	19.46%
5	Chhattisgarh	1	49	15	41.04%	32.97%
6	Delhi	7	31	8	33.07%	38.51%
7	Goa	17	21	20	34.68%	33.31%
8	Gujarat	30	115	109	47.85%	49.05%
9	Haryana	12	4	40	9.04%	36.49%
10	Himachal Pradesh	2	26	44	38.47%	48.79%
11	Jharkhand	17	18	25	20.18%	33.37%
12	Karnataka	27	40	104	19.89%	36.24%
13	Kerala	0	0	0	6.03%	11.3%
14	Madhya Pradesh	30	165	130	44.88%	41.02%
15	Maharashtra	17	46	105	14.03%	25.75%
16	Manipur	18	0	37	2.12%	37.83%
17	Meghalaya	4	0	2	1.27%	9.63%
18	Mizoram	2	0	1	0.37%	8.04%
19	Nagaland	8	1	12	1.75%	15.33%
20	Odisha	7	6	23	15.04%	32.49%
21	Puducherry	4	0	6	1.34%	13.66%
22	Punjab	1	12	2	7.18%	6.6%
23	Rajasthan	2	163	73	45.17%	38.77%
24	Sikkim	12	0	12	0.71%	1.62%
25	Tamil Nadu	2	0	4	2.22%	2.62%
26	Telangana	3	5	2	7.03%	7.01%
27	Tripura	6	0	35	1.54%	43.00%
28	Uttar Pradesh	21	47	255	15.00%	41.29%
29	Uttarakhand	11	31	47	33.13%	44.33%
30	West Bengal	25	0	77	4.06%	38.13%

Source: Compiled by the researcher using statistical reports published by the Election Commission of India.

²⁵¹ As the election years in the states are not uniform, in states where legislative assembly elections were not in 2014, the previous assembly results are considered.

Figures in Table 5.5 indicate that except for Kerala, the BJP had in-switches in all other states. The BJP had in-switches in states where it was traditionally strong and in states where it never had a significant presence. The states where BJP is traditionally strong include Jharkhand, Madhya Pradesh, Karnataka, Maharashtra, Rajasthan, Gujarat, Uttarakhand, and Uttar Pradesh.

Interestingly, the BJP has expanded its base substantially in the north-eastern states of Assam, Manipur, Nagaland, Sikkim, and Tripura, where the BJP historically had a weak presence. These states have seen 15, 18, 8, 12, and 6 in-switches to the BJP. For instance, in the Union Territory of Puducherry, from its formation, the BJP had won only one seat in 2001; nevertheless, with the defection of four MLAs into the BJP, the party has become a coalition partner in the present government.

The data in the table indicate that BJP has increased its vote and seat share in most states. Party switching to the BJP might be one of the significant reasons for the expansion of the BJP's political strength in several states. For instance, as of December 2022, BJP is part of the ruling coalition in the northeast states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland, Sikkim, and Tripura. Table 5.5 also shows that in states where defections to the BJP were significant, the seat and vote share of the BJP has seen a massive increase in those states. This indicates that the ruling party at the centre constantly tries to expand its base in states through defections²⁵².

Despite having a majority, political parties might not perform well in specific constituencies or geographical areas due to certain historical, social, and demographic factors. For example, TRS could win only one out of ten assembly constituencies in the erstwhile Khammam²⁵³ district in the 2014 and 2018 assembly elections. Hence, the TRS tried to increase its political strength in the Khammam district through defections.

²⁵² Generally, when leaders (MLAs and MPs) of a party switch to another party, many of their followers or local level leaders also join the new party along with their leader. For instance, when Wyra constituency MLA in Telangana, Banoth Madan Lal of YSRCP joined the TRS party on 1st September 2014, 20 Sarpanches and 10 MPTC members joined TRS.

²⁵³ In 2016 Telangana state has re-organised districts, as a result Khammam district was bifurcated into Bhadrachalam and Khammam.

Table 5.6
Defection Led-Electoral Expansion of TRS in Khammam District

Sl. No	Assembly Constituency	MLA in 2014	Party	Defected to TRS	MLA in 2018	Party	Defected to TRS
1	Aswaraopeta	Thati Venkateswarlu	YSRCP	Yes	Mecha Nageswara Rao	TDP	Yes
2	Bhadrachalam	Sunnam Rajaiah	CPM	No	Podem Veeraiah	INC	No
3	Khammam	Ajay Kumar Puvvada	INC	Yes	Ajay Kumar Puvvada	TRS	NA
4	Kothagudem	Venkat Rao Jalagam	TRS	NA	Venkateswara Rao	INC	Yes
5	Madhira	Bhatti Vikramarka Mallu	INC	No	Bhatti Vikramarka Mallu	INC	No
6	Palair ²⁵⁴	Ramireddy Venkatareddy	INC	No	Kandala Upender Reddy	INC	Yes
7	Pinapaka	Payam Venkateswarlu	YSRCP	Yes	Kantha Rao Rega	INC	Yes
8	Sathupalle	Sandra Venkata Veeraiah	TDP	No	Sandra Venkata Veeraiah	TDP	Yes
9	Wyra	Banoth Madan Lal	YSRCP	Yes	Lavudya Ramulu	IND	Yes
10	Yellandu	Koram Kanakaiah	INC	Yes	Haripriya Banoth	INC	Yes

Source: Compiled by the researcher using Election Commission Reports and Newspaper articles.

Note: NA stands for Not Applicable as the MLAs were elected from the TRS party.

Table 5.6 displays that in the first and the second legislative assembly elections, TRS won only one assembly seat in each term in the Khammam district, i.e., Kothagudem and Khammam constituency, respectively. The TRS secured a comfortable majority in the 119-seat assembly, winning 63 and 88 seats in the 2014 and 2018 elections. The above table shows that five and seven MLAs defected to TRS in the first and second terms, respectively. This indicates how despite the voters choosing a party other than the TRS, TRS was trying to establish itself by accommodating the MLAs from other political parties. Correspondingly, in the Hyderabad district, the TRS party

²⁵⁴ In 2016 bye-polls for Palair, Tummala Nageshwara Rao won on the TRS party label. However, he was with TDP from its formation in 1982 and had served as cabinet minister in NTR and Chandrababu Naidu's government. He switched to TRS in September 2014 and was appointed as minister for Roads and Buildings in KCR's government in December 2014.

did not win many seats and pushed the defection way to increase its political strength in the district (V. Reddy, 2015).

Similarly, traditionally BJP's electoral performance in the old Mysuru region²⁵⁵ of Karnataka was marginal. However, with the defections of Congress and JD (S) MLAs into BJP, in 2019 by-polls, the party was able to win seats in the old Mysuru region for the first time (Akshatha, 2019). For instance, in Chikkaballapur and K R Pete constituencies, the BJP had secured only 3.21 % and 5.64 % of votes in the 2018 assembly polls. However, with the defection of MLAs of these two constituencies, BJP's vote share was 48.53 % and 39.41 % (Akshatha, 2019). The above discussion shows that political parties, in general, try to expand their electoral strength through defections within and outside the state.

5.2.2.6 To Weaken and Destroy the Opposition

Despite securing a comfortable majority, parties might welcome defectors, especially from the main opposition party, to reduce the strength/morale of the opposition party. When the opposition party is weak, the ruling party can establish its dominance in the legislature by controlling the law-making process. Political parties wish to weaken the opposition so that the ruling party can introduce those policies and laws that the party wants to be passed smoothly without any criticisms. In many states, opposition parties lost the status of opposition party in the legislative assemblies due to party switching. For a party to receive the status of the opposition party, it should receive 1/6th of the seats of the total strength of the house.

For instance, in 2019, the Congress Party in Telangana lost the opposition status when 12 MLAs out of 15 merged with the TRS (12 Congress MLAs join TRS, 2019). Similarly, in 2019, the Congress Party in Goa lost the opposition status when 10 out of 15 MLAs merged into BJP. Likewise, on 5th January 2021, the Congress Party in Assam lost the opposition status when four sitting Congress MLAs resigned and joined the BJP, and one MLA was disqualified for anti-party activities (A. Saha, 2021). Likewise, in 2019, the AAP lost the opposition party status in Punjab

²⁵⁵ The old Mysuru region includes districts of Mysuru, Mandya, Tumkur, Hassan, Kolar, Bengaluru, Chamrajanagar, Chikmagalur. These areas were part of erstwhile Mysuru princely state. Traditionally, the BJP did not have a presence in this region. The Vokkaligas who constitute around 11% of the state population are concentrated in this region and their votes are usually divided between the Congress and the JD (S) (Nanjappa, 2018). It is shown from various surveys that Lingayat caste, another dominant caste in the state, mostly votes for the BJP.

when some MLAs switched to form a start-up called Punjabi Ekta Party (PEP), and one MLA joined the ruling Congress Party (Bajwa, 2019). When the party loses the opposition status, it will reduce the party's morale and its supporters. This might influence the voters to follow the bandwagon and vote for the ruling party instead of the sinking party.

The research data reveals that even the small parties are not free from accepting the defectors. Hence, examining why small parties' welcome defectors and why MLAs switch to small parties is interesting. The small parties' welcome defectors because, as our intuition suggests, all political parties would like to increase their seats in the assembly. After all, the greater the number of seats, the greater the control over legislative functions in the assembly. Thereby, small parties performing marginally in terms of electoral victories would like to increase their seats. As a result, small parties might think that accommodating a defector who has served one or more terms in that constituency might be helpful for the party to win the seat in that constituency.

Correspondingly, the main reasons MLAs switch to small parties are. First, the MLAs who fail to receive tickets from the major parties generally would choose small parties. As argued previously, most defectors choose to contest from a party label rather than as independents because they know that legislators are more likely to win when they compete from a political party than contesting as independents. Second, the benefits associated with registered political parties are more significant than contesting as an independent.

5.3 Dynamics of Party Switching in the Fourth Party System

This section examines the direction, reasons for defections, the timing of defection, and the electoral costs and rewards of defections for the MLAs. It also underscores the political parties that saw the highest in switches and out-switches under the fourth-party system.

Since switching is a calculated behaviour and not a random decision, it is interesting to see how legislators jump into parties that maximise their benefits. It is known that all political parties do not have equal access to state resources and political influence. Hence, it is essential to see which direction the MLAs switch to fulfil their vested personal interests. Studying the timing of the switch/when the legislators change parties will help us understand their motives—vote, office, and profit. Additionally, the existing studies show variations in the number of switches at different

stages of the legislative cycle. Since switching is a calculated decision, legislators sometimes take, —days, months, and years to decide to switch.

As the switching results in electoral costs, defectors try to switch in those periods when switching costs are minimal. Examining the electoral performance of the defectors' pre- and post-defections will shed light on the extent of voter retribution towards defectors. Higher electoral costs for defectors indicate greater political loyalty to the parties among the voters. Inspecting the office rewards offered to the defectors suggests the extent of corruption among the political parties and the legislators.

5.3.1 Direction of Defection by the MLAs

As discussed in the conceptual framework chapter, the ruling party attracts more in-switches and has fewer out-switches. The legislators from the opposition parties would switch to the ruling party to receive office benefits and enjoy political influence (O'Brien & Shomer 2013; Young, 2014; Heller & Mershon, 2009). The study expects the following hypothesis regarding the direction of the switch of the representatives.

Hypothesis: MLAs are more likely to defect to the ruling party than the opposition parties.

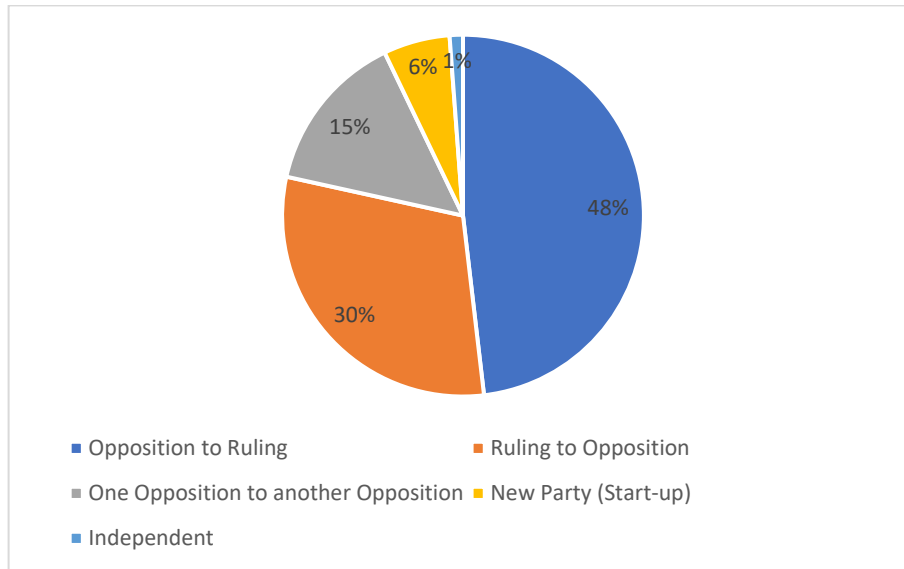
The reasons to assume this hypothesis are: first, the ruling parties would have access to the office. In contrast, the opposition parties lack access to office, which is essential to meet the legislators' office motive. Second, it is the governing party that can influence policy. Therefore, to fulfil their office and policy motives, the defectors would switch to the ruling party over other parties. As discussed in chapter four, defections in the Congress era were mainly to the Congress Party, the then-ruling party. In the second phase, defectors were more to the parties that would form governments in the states. Correspondingly, in the third phase, the mergers were mainly towards the ruling party in the state and centre. Likewise, in the fourth-party system, most MLAs (through mergers and individual or group switching) have defected to the ruling party or the party that would form the state government.

The ruling party is the most attractive destination to the legislators because it helps them to be in the government, which has increased access to state resources. Since 1990's there have been increasing returns associated with state power. In India, public officials enjoy increased

discretion in exercising state power. The state has access to goods and services that affect the lives of the majority of citizens (Chandra, 2014). In contrast to the expectation that post-liberalisation in 1991, the state's role would decrease, the functions of the state have expanded, and those who enjoy access to state office are assured of immense return. This includes the primary benefit of 'serving the people', which pays back by increasing the chances of re-election. In addition, it assures three other types of private returns. First, the opportunities to receive kickbacks or bribes (scope for corruption) while implementing state policies. Those with access to the office try to influence policies in favour of some parties. This ensures payback in the form of bribes (Chandra, 2014).

Second, preferential access to inputs such as land or credit. The elected representatives can receive a speedier response from the law-and-order machinery, entitled to special political protection. Third, the salary, pension, and other allowances the elected representatives receive are large, given India's rural economy and limited employment opportunities (Chandra, 2014). Due to the above-discussed reasons holding elected office in the parliament or state legislature is more attractive now than in the initial decades of independence. This might be one of the reasons that there is an increase in the number of candidates contesting elections. Hence, the legislators try to be with the ruling party, which would enhance their re-election prospects and assist in accessing state resources and services.

Figure: 5.1
Direction of Switch of Legislators in States (2014-2021)



Source: Calculations based on the data compiled by the researcher.

Figure 5.1 presents that nearly half of the MLAs have switched from the opposition parties to the ruling parties. Most legislators prefer joining the ruling party because, as the literature points out, the ruling party has more access to votes, office, and policy than the opposition parties²⁵⁶. Interestingly, nearly 30% of the MLAs have switched from the ruling to the opposition parties.

Legislators from the ruling party will switch to the opposition party mainly under the following three circumstances. First, if the legislators try to destabilise the existing government and form a government with the help of another party/parties. Second, if the ruling party denies tickets to the legislators, they switch to the opposition. Third, when the legislators predict that their

²⁵⁶ In India, we find evidence that the party's governing status influences the direction of the switch. For instance, in Telangana in 2014, 25 MLAs switched to TRS, the then ruling party in the state, and none of the MLAs changed from TRS. Similarly, in the 2018 assembly elections in Telangana, TRS emerged victorious; within three months after the results, 12 MLAs of Congress and one from TDP joined the TRS party, but it did not see a single out-switch. Parallel to Telangana, Andhra Pradesh also witnessed large-scale defections from 2014 to 2016, where around 21 MLAs defected to TDP from YSRCP. The point to be noted here is that in Andhra Pradesh, TDP was the then governing party; thereby, TDP saw in-switches and not a single out-switch. Likewise, in the 2016 Assembly elections in West Bengal, the All-India Trinamool Congress (AITC) secured a thumping majority with 211 seats out of 295, thereby becoming the ruling party in the state. However, after the results, five legislators from Congress and one CPI(M) legislator joined AITMC without a single out-switch (Defection-hit Cong, CPI(M), 2016).

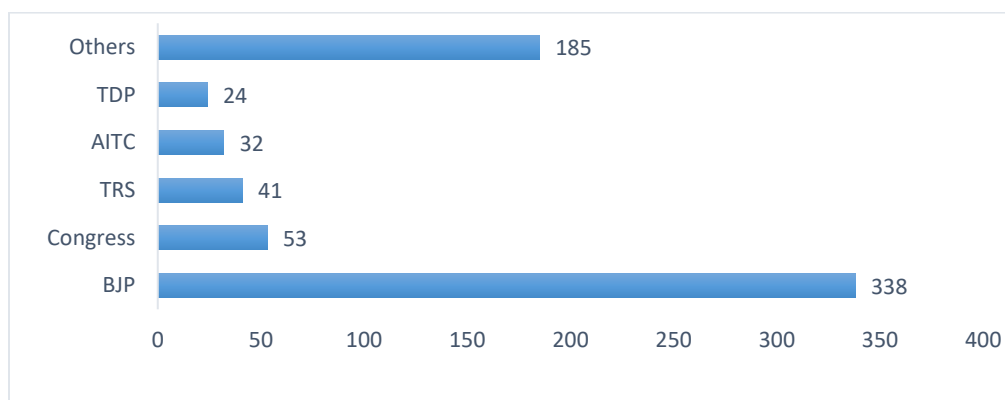
current party has a low chance of winning in the ensuing elections. This reiterates that legislators switch to fulfil their vote and office motive primarily.

In this regard, Kailash (2022a) has observed that, unlike in the past, political parties in India want to be associated with the state rather than society. The reason is that the state has access to a wide range of resources. The legislators want to have access to these resources, as this would help them provide services to the voters. This, in turn, enhances the re-election of the legislators. Hence, legislators only show attachment to the party until they can receive benefits and quickly switch to other parties when they think they are likely to receive higher benefits from the other party. Interestingly, most voters also do not object to their legislators shifting loyalty as long as the legislator can deliver services to them.

The pie chart above displays that the number of MLAs switching to start a new party (start-up) is 6%, and only 1% of legislators switch from political parties and contest as independents. This could be because the MLAs know voters do not accept a new party or an independent as much as they receive an established party. The following section describes the top five parties that have attracted defectors in the fourth-party system.

5.3.2 Parties that Gained and Lost from Switching

Figure: 5.2
Number of in-Switches to Top Five Political Parties (2014-2021)



Source: Calculations based on the data compiled by the researcher.

Note: As per the research data, nearly 673 MLAs defected across states between 2014 and 2021. The category of Others includes 41 political parties and independents²⁵⁷.

Figure 5.2, presents that nearly 50 % of the total defections by the MLAs were to the BJP²⁵⁸. In the fourth-party system, the BJP had the highest number of in-switches. The details on the probable reasons why the BJP received more in-switches in the fourth-party system are discussed in detail in chapter four. Some of the significant factors that facilitated high in-switches to the BJP are its control over the central government, strong leadership, high financial contributions to the party, rewarding the defectors with office, its aim of political expansion, social engineering, and weakening its competitors and opposition.

When we look at the top five parties that received the most defectors, the Congress Party is second on the list with 53 MLAs, 8 % of the total defections²⁵⁹. However, there is a considerable difference between the number of in-switches to the BJP and the Congress Party. It is noted here

²⁵⁷ Others include the following political parties- AMMK, ADMK, AGP, AIAMIM, AJSU, AINR-Congress, AMMK, BJD, BSP, BTP, BVHP, CPI(M), DMK, JAP(L), Janasena, JCC(J), JD(U), JJP, JMM, JVM-P, Kerala Congress, LJP, Lok Dal, MNF, NCP, NDPP, NISHA, NPEP, NPF, PPF, PEP, PMSP, RLSP, RLP, RJD, SAD, SAD(D), SHS, SKM, SP and YSRCP and independents.

²⁵⁸ As the research data shows, except for Kerala, the BJP had in-switches in all other states and the union territories of Delhi and Puducherry. The in-switches to the party ranged between 1 and 38. For more details on the state-wise in-switches to the BJP, refer to Table 5.5.

²⁵⁹ The Congress party had in-switches in the following fifteen states—Assam, Bihar, Delhi, Haryana, Karnataka, Kerala, Madhya Pradesh, Manipur, Meghalaya, Puducherry, Punjab, Rajasthan, Telangana, Uttar Pradesh, and Uttarakhand.

that only the BJP and Congress were polity-wide parties, and the other three are regional parties like the TRS, AITC, and TDP, accounting for 6 %, 5 %, and 4 % of the total defections²⁶⁰. Interestingly, these three regional parties accepted defectors in-between the electoral cycle despite having majorities in their respective state assemblies.

The BJP has engineered defections in a variety of conditions in states. First, in states where BJP was the largest party but short of a majority, for instance, in Karnataka. Second, in states where it was the second-largest party, for example, in Goa, Manipur, and Madhya Pradesh. Third, in states where it hardly had any presence, for instance, in north-eastern states like Tripura, Sikkim, Nagaland, Arunachal Pradesh, and in the union territory of Puducherry.

Table 5.7
Number of BJP Seats and Defections to BJP (2014-2022)

Sl. No	State	Year of Election	Strength of Assembly	BJP Seats	Defections to BJP	Category of States
1	Karnataka	2018	224	104	18	BJP was the largest party but was short of a majority
2	Goa	2022	40	20	8	
3	Manipur	2017	60	21	18	BJP was the second-largest party
4	Madhya Pradesh	2018	230	109	25	
5	Goa	2017	40	13	15	
6	Tripura	2013	60	0	6	BJP's electoral strength was weak
7	Sikkim	2014	32	0	12	
8	Nagaland	2013	60	1	8	
9	Arunachal Pradesh	2014	60	11	36	
10	Puducherry	2016	30	0	4	

Source: Compiled by the researcher based on assembly results published by ECI.

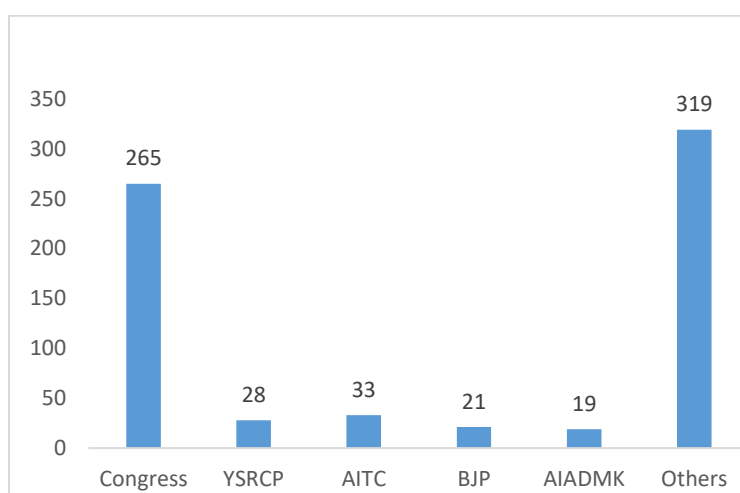
Note: Here, only those states where the balance of power was altered significantly due to defections are included.

²⁶⁰ The TRS, TDP, and AITC had in-switches in Telangana, Andhra Pradesh, and West Bengal, respectively.

The figures in Table 5.7 display that, on the one hand, in states where the BJP has its presence, it wants to expand and strengthen its base. On the other hand, BJP tried to establish itself in states where it had a marginal presence or was completely absent.

For instance, in the state of Tripura, BJP could not win a single seat from the formation of the state in 1972. In the 2013 Tripura assembly elections, the BJP had contested 50 seats, out of which in 49 seats, BJP candidates' deposits were forfeited, and the party did not win a single seat. The BJP received a mere 1.54% of the votes²⁶¹. The low electoral performance of the BJP indicates that the voters in the state are not in favour of the party. However, due to defections, the party increased its strength to seven MLAs towards the end of the assembly term²⁶². The above section examined the number of in-switches to the top five parties and how the in-switches were mainly to the BJP and the ruling parties in states. The subsequent section describes the parties that saw the most out-switches by the MLAs.

Figure: 5.3
Number of Out-Switches from Political Parties (2014-2021)



Source: Calculations based on the data compiled by the researcher.

Note: According to the research data, nearly 673 MLAs defected across states between 2014 and 2021. The category of Others includes 46 political parties and independents²⁶³.

²⁶¹ Based on the Statistical Report of Tripura assembly elections 2013 (ECI).

²⁶² Initially, one Congress MLA switched to BJP later six AITMC MLAs switched to the BJP in 2017.

²⁶³ The category of Others includes the following parties- AAP, AGP, AIFB, AIUDF, AINRC, BJD, BSP, BSRC, CPI, CPI(M), DMMDK, Forward Block, HJC, HLP, IEMC, INLD, JD(S), JVM-P, KEC(M), KJP, MDMDK, MNS, MSCP, Navodyam Party, NCP, NESDP, NPEPT, NPF, NSAM, NUZP, PECP, PMK, PPA, QED, RLSP, RJD, RLD, RSP, RSP(S), SAD, SDF, SJD, SP, TDP, TRS and UDP.

From Figure 5.3, we can notice that the Congress Party had the most out-switches by MLAs²⁶⁴. As highlighted in the literature, the reasons for the decline of the Congress party are the lack of a strong leader and the takeover of the party's leftist-welfarist programs by the BJP (Rai & Kumar, 2017). Further, several social groups that once supported the Congress party shifted to parties like the BJP and other caste-based parties in states like Bihar and UP (Farooqui & Sridharan, 2016). In addition, the splits and breakaways in three major states of West Bengal, Maharashtra, and Andhra Pradesh, factions in the party at the state level, the decline in party organisation, and increased centralisation as led to the decline of the Congress.

Against this backdrop, several legislators have switched away from Congress since 2014. The probable reasons for this might be as follows: first, the Congress Party's weak performance in the 2014 and 2019 Lok Sabha elections and its poor performance in assembly elections in several states. Second, internal fights in the Congress Party in several states over the party leadership in the state. Third, BJP's aim is to create a '*Congress mukt Bharat*'. Given these reasons, added to the ambitions of the MLAs, in Madhya Pradesh, Karnataka, Goa, Arunachal Pradesh, Assam, and Gujarat, a significant number of Congress MLAs switched to the BJP.

Interestingly, BJP saw only 21 out-switches, and most BJP MLAs quit the party when they were denied tickets to contest in the subsequent elections. The reasons for low out-switches from the BJP are- first, the markable electoral performance of the BJP in the 2014 and 2019 Lok Sabha elections and the BJP's performance in state assemblies. Second, as noted earlier, the vote, office, and policy are concentrated with the BJP, as it is the ruling party at the centre and in most states, so legislators stay put with BJP. Third, as discussed in chapter four, the financial contribution that the BJP receives is way ahead of Congress and other parties. Thereby, parties prefer staying with a party whose coffers are full than moving to parties whose coffers are empty.

Figure 5.3 displays that regional parties like AITC, YSRCP, and AIADMK had a considerable number of out-switches. The AITC had nineteen out-switches in West Bengal, seven in Manipur, and six in Tripura. The YSRCP had twenty-five out-switches in Andhra Pradesh and three in Telangana. Since AIADMK is limited to Tamil Nadu, all nineteen out-switches were

²⁶⁴ As the research data shows, Congress had out-switches in 22 states and the union territory of Puducherry. The out-switches to the party ranged between 1 and 31. For more details on the state-wise out-switches of Congress, refer to Appendix 5.

within the state; seventeen MLAs switched to start a new party, AMMK headed by T T V Dinakaran and two shifted to DMK.

As observed in Figures 5.2 and 5.3, the BJP had more in-switches and fewer out-switches. However, whenever the electoral competition in the state was between two regional parties, the BJP has not attracted many defections in those states. This trend is presented in Table 5.8.

Table 5.8
States Where Switching Was More to Regional Parties than BJP

Sl. No	State	Defections to BJP	Defections to Regional Parties	Election Year	Strength of BJP
1	Andhra Pradesh	1	30	2014 2019	04 00
2	Bihar	0	20	2015 2020	48 77
3	Punjab	0	14	2017 2022	03 02
4	Tamil Nadu	2	32	2016 2021	00 04
5	Telangana	3	45	2014 2018	05 03

Source: Calculations based on the data compiled by the researcher.

Note: Except in Bihar, BJP has no significant presence in any of the states mentioned above.

Examining the direction of defection revealed that most in-switches are towards the ruling party at the centre and most states (BJP). In contrast, most out-switches were from the main opposition party at the centre, and in many states (Congress). The following section sheds light on how MLAs defect.

5.3.3. How do MLAs Switch

It is interesting to examine this as India has had an anti-defection law for over three decades that prescribes disqualification if the MLAs switch between the terms. The study finds that MLAs switch parties in the following four significant ways— individually, in small groups, through

mergers, and large groups. The type of switch that the MLAs choose depends on the political circumstances in the state and the demand for the number of MLAs by the political parties.

5.3.3.1 Individually

In some states, we see that the prominent politicians²⁶⁵ switch individually mostly at the beginning of the electoral cycle- before the distribution of portfolios. The legislators switching individually are mostly the prominent politicians rather than the newcomers or the backbenchers. For instance, in Telangana, Talasani Srinivas Yadav served as an MLA for five terms, as minister of Tourism, Culture, and Archaeology, and as the minister of Labour in the TDP government. He was State Telugu Yuvatha President and a Politburo²⁶⁶ member of TDP. Since he was an influential leader in the Hyderabad district, he was appointed Commercial Taxes and Cinematography minister as he switched from the TDP to TRS on 29th October 2014²⁶⁷ (V. Reddy, 2015).

Likewise, T. Shyam Kumar Singh in Manipur was a three-time Congress MLA and switched to BJP. He was appointed as minister of Forest, Horticulture, and Soil Conservation on 15th March 2017 as soon as he switched from the Congress Party to the BJP (Kundu, 2017). Similarly, in Goa, Vishwajit Rane, switched alone in the mid-term of the electoral cycle from Congress to BJP. He had served as a cabinet minister several times and was a four-time MLA. He was appointed Minister for Health, Agriculture, and Craftsman Training in the BJP government (Ghadyalpatil 2017).

The legislators who switch individually to the ruling party before forming the council of ministers would be generally rewarded with a cabinet post. The defection petitions of defectors to the ruling party would be kept pending for a long time by the Speaker. In Telangana and Manipur, the MLAs were not disqualified for almost three years until the Court issued an order to the Speakers to act on the disqualification petitions. In the case of Rane in Goa, he resigned and won in the bye-polls.

²⁶⁵ Prominent politician in this study means the one who would have served as ministers previously and held important positions in the party or served several times as MLA or MP.

²⁶⁶ The members of Politburo are involved in key policy decisions of the party and the government.

²⁶⁷ K. Chandrashekar's TRS party formed the government on 2nd June 2014.

5.3.3.2 In Small Groups

Given certain political circumstances, MLAs would switch in small groups of three to six. Generally, switching in small groups will occur on any political events like the party's foundation day, ahead of elections at other federal levels, and the party's public meetings. The MLAs switching in small groups will either resign or merge their party. There are numerous examples of MLAs switching in small groups in states like West Bengal, Telangana, Andhra Pradesh, and Gujarat.

5.3.3.3 Merging of a Party

Another way the MLAs switch is through a merger. The MLAs would defect the party once they have the necessary numbers to constitute $\frac{2}{3}$ rd the strength that is essential for a merger. As discussed in chapter three, mergers are mostly towards the ruling party. The MLAs would choose mergers, to avoid disqualification under the anti-defection law. For instance, the merger of the Congress Party in Goa, where 10 out of 15 Congress MLAs merged into the BJP in July 2019²⁶⁸ (Nair, 2019). Correspondingly, six BSP MLAs merged into the Congress Party in Rajasthan in January 2020 (6 BSP MLAs in Rajasthan join Congress, 2020). The number of MLAs choosing the merger varies depending on the number of MLAs required to constitute $\frac{2}{3}$ rd strength (High if the party's strength in the legislature is more, and less for the parties with few MLAs in the legislature). For more details on the number of mergers and the direction of mergers, refer to Table 3.3. and 3.4.

5.3.3.4 In Large Groups

Given the nature of the political situation in the state, the MLAs switch in large groups ranging from 8 to 25 depending on the number of MLAs required to topple the existing government in that state. When the legislators switch in large numbers generally, they would resign and re-contest in the bye-polls. Whenever the MLAs switch in large numbers, they would resign because they are aware that they would otherwise be disqualified under the anti-defection law. In the fourth-party

²⁶⁸ Three other Congress legislators had switched to the BJP earlier, one in 2017 and other two in 2018, all three contested and won in the bye-polls (Nair, 2019).

system, we have seen switching in large groups in Tamil Nadu, Karnataka, and Madhya Pradesh²⁶⁹. After examining how the MLAs switch, the following section describes the reasons²⁷⁰ for defections put forth by the MLAs in mass media like newspapers and TV interviews.

5.3.4 Why do Legislator's Switch Parties — the Voice of MLAs

As discussed earlier, on the ethical foundations, defection is considered a betrayal of the trust entrusted to the representatives. As noted in the framework chapter, legislators switch parties for various reasons. The significant determining factors are the individual motivation for — vote, office, profit, and policy. However, other factors like constituency development and financial inducements might also influence. Besides, the institutional factors constrain or empower the legislators to switch or stay-put in the parties. As discussed in the framework chapter, the party label is valuable both for the voters and the candidates. Nonetheless, legislators regularly switch parties. In this context, it is interesting to see legislators' reasons for switching parties²⁷¹. The following section examines the reasons given by the defected MLAs in newspapers and television interviews.

Table 5.9
Reasons for Defections as Claimed by MLAs (2014-2021)

Sl. No	Reason for Defection ²⁷²	Number of MLAs	Percentage of MLAs
1	Development of the Constituency	177	28%
2	Dissatisfied with the Present Party	144	23%
3	Denial of Tickets	94	15%
4	Followed a Prominent Leader of the Party	74	12%
5	Attracted by the Leadership of Another Party	66	11%
6	Due to Ideological Reasons	38	6%
7	Suspended by the Party ²⁷³	30	5%

Source: Calculations based on the data compiled by the researcher.

²⁶⁹ In 2017, 18 AIADMK MLAs were disqualified as 17 MLAs joined T.T.V. Dhinakaran's faction and one MLA joined DMK (Jesudasan, 2018). Likewise, in 2019 August 17 MLAs of Congress and JD (S) switched to the BJP. Similarly, in MP 24 Congress MLAs switched to the BJP following Jyotiraditya Scindia's switch to the BJP in 2020.

²⁷⁰ The researcher is aware that it is hard to bring out the exact reason for defections by the MLAs. However, the study tries to observe the patterns of reasons as claimed by the defectors in the popular mass media.

²⁷¹ The researcher is aware that most often, the defectors do not reveal the actual reason for defection in the public, instead they try to give publicly acceptable reasons.

²⁷² Nearly 673 MLAs have switched between 2014 and 2020. For nearly 50 MLAs, but the reason for was not available.

²⁷³ This categorisation is done by the researcher based on the news reports on defections.

Table 5.9 shows that the legislators give various reasons while defecting to other parties. However, it is primarily the votes, office, profit, and policy motives that influence the legislators to switch parties. The legislators provide reasons to suit the context and see that their defection is considered ‘principled and not opportunistic’²⁷⁴.

The reasons given by the legislators are broadly classified under seven headings. The MLAs' most cited reason was the development of the constituency. Under this category, the reason that the constituents (voters) wanted the MLAs to switch parties is also included. The probable reason why most of the MLAs choose this reason is that this will not be seen as morally wrong by the citizens/voters, parties, and political critics. Thereby, they can avoid negative publicity in the popular mass media. The second most cited reason was dissatisfaction with the present party. This includes views broadly related to the party, like the party leader's dictatorial attitude, humiliation in the party, non-recognition of their contribution to the party, and the gap between the party leadership and grassroots workers.

The third most cited reason was the denial of tickets. The MLAs openly said they switched parties because their parent parties denied them tickets. As discussed at the beginning of this chapter, most politicians once in power would like to stay in power for a long time due to the perks and privileges attached to elected office. Consequently, most MLAs consider it their right to receive tickets to contest in the subsequent elections. This indicates that the MLAs are open about their vote motive. If legislators are denied tickets by one party, they switch to a party that offers them a ticket. Candidates seem to be loyal to parties only if it ensures their re-election and other motives.

Table 5.9 provides that MLAs have given various reasons depending on the circumstances in the states. Interestingly, the legislators try to give ‘principled’ reasons to avoid the ‘opportunistic’ image. Unlike in European countries, the number of legislators switching for ideological reasons is low in India. After discussing the reasons for defection, the following section discusses the timing of defection by the MLAs.

²⁷⁴ Details on the context in which defections will be considered as principled and opportunistic are discussed in the conceptual framework chapter.

5.3.5 Perfect Timing to Jump Ship

As noted in the conceptual framework chapter, legislators think of the gains and the losses they must incur for switching parties. Defectors pay enough attention to the ‘timing’, which is best or worst, to receive the benefits of switching (Mershon & Shvetsova, 2013, p. 16). Scholars such as Mann (2000), Grose and Yoshinaka (2003), Di Virgilio et al. (2012), Mershon and Shvetsova (2013), Kerevel (2014) in the context of other countries have considered timing as an essential determinant of party switching. This study outlined the following hypothesis based on the findings in other countries.

Hypothesis: Defections are higher in the early-term²⁷⁵ than towards the end-term of the legislative assembly

The reasons for expecting this hypothesis are- First, politicians can receive maximum benefits if they switch early. The MLAs can constantly negotiate for position or policy in the new party until the end of their term. Second, assuming that voters' memory is short if the MLAs switch early in the term, the voters might forget about the switch by the time of the next elections. Nevertheless, if it is an end-term switch, the voters would see it as an opportunistic move by MLAs to meet their ambitions. Third, by joining a new party in the early term, the defectors can establish support from a new party (party activists and supporters in the constituency) which would help the defectors in the subsequent election.

Concerning the ‘timings’ of party switching, contrary to the prediction that most MLAs would switch in the early-term, in India, under the fourth-party system, more than half of the MLAs (54%), have switched in the ‘end term’. Nearly 13% of MLAs have switched early in the term, and 33% have switched towards the mid-term. Though switching towards the end of the term might not create as much political instability as switching at the beginning and mid-term. It is still significant to note the number of defections at the end of the term, as it is likely to weaken the strength of opposition parties. This might also influence the voters to vote for a particular party/direction. As it might reduce the morale of a losing party and its supporters.

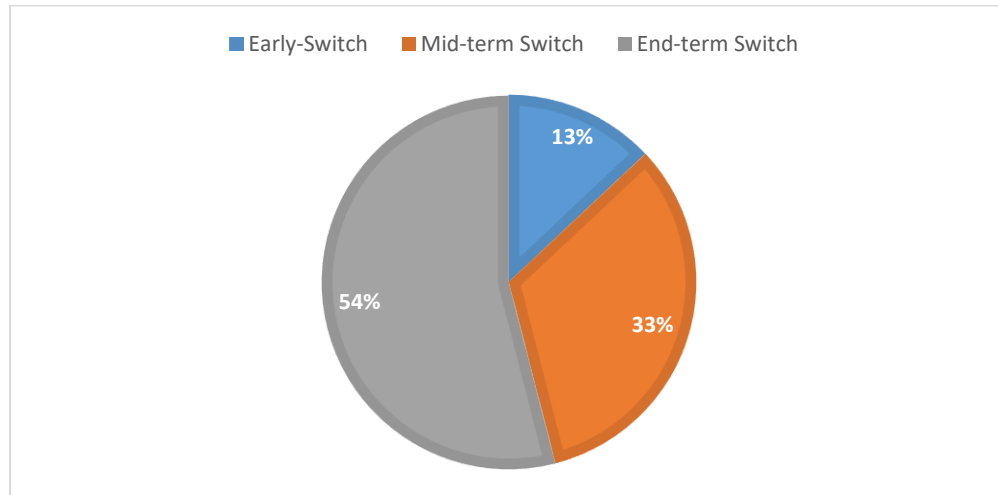
²⁷⁵ The categorisation of the terms early-switch, mid-term and end-term switch are defined in the introduction.

The reasons most MLAs in India switch in the end-term than in the early-term are as follows. First, unlike in most European countries and the USA, in India, anti-defection law disqualifies legislators if they switch during the term²⁷⁶. Therefore, to avoid being disqualified, the MLAs switch toward the end-term. Second, in India, ‘vote motive’ could be stronger among the legislators than the office and policy motive. Hence, most MLAs switch parties when denied tickets to contest elections. As the candidates will know whether they are given a ticket or not only just before the next elections, most legislators switch towards the end-term. The MLAs also switch parties when they expect their present party might not secure a majority in the upcoming election. Many MLAs who want to be re-elected would like to be in the party with a higher chance of winning.

Third, MLAs who switch early-term expect rewards from the party that is likely to come to power. Often this also renders them safe from disqualification, mainly if the party requires defectors' support to sustain or form the government. As a result, only those MLAs assured of the office benefit by the ruling party would switch during early-term. Fourth, since there is a cap on the appointment of the number of ministers as per the 91st Constitutional Amendment Act, the number of MLAs who can receive ‘office benefit’ is limited. Most MLAs want to be re-elected before negotiating for office benefits and policy consideration.

²⁷⁶ As seen in chapter three, older democracies like the UK, the USA and Australia do not have anti-defection laws. As a result, when the MLAs switch parties they are not disqualified from their legislative position. This makes them switch more at the beginning of the term than towards the end of the term.

Figure: 5.4
Timing of Defection by the MLAs (2014-2021)



Source: Calculations based on the data compiled by the researcher.

Note: The timing of the switch is analysed for 673 defected MLAs.

From Figure 5.4, we can deduce that most of the MLAs in India defected at the end-term. However, nearly 46% of the MLAs, as many as 309 MLAs, defected during the legislative term (early and mid-term). This shows the intensity of defections between the terms, despite anti-defection law. Here it can be noted that party switching by MLAs resulted in the destabilisation of the elected governments in eight states (see Table 4.18) and in the union territory of Puducherry during the legislative term.

Besides, the balance of power was altered in many states as a direct result of defections. In addition, the main opposition parties lost their opposition status in states like Telangana, Assam, Punjab, Sikkim, and Meghalaya. The Nagaland legislative assembly has become opposition-less, with Naga People's Front (NPF) -the main opposition party, joining the government. Switching by the elected MLAs during the legislative term has led to several changes to the nature of legislative parties and the legislatures. Hence, it was essential to consider the timing of the switch by the MLAs.

As discussed in the conceptual framework chapter, the extant literature shows that party switchers face various costs like electoral costs, loss of support to the legislator, increased

competition²⁷⁷, loss of trust, and facing a strong candidate in the elections. Among the several costs of party switching, electoral costs are highlighted in most studies like Mershon and Shvetsova (2013), Grose and Yoshinaka (2000), Kerevel (2017), Grose (2004), Yoshinaka (2015), Sevi et al. (2018), and Gherghina (2014). The electoral costs refer to the punishment that the voters exercise-rejecting the defected candidates when they re-contest under a different party label. Generally, the defectors see a reduction in the percentage of votes compared to their previous term. There are no studies in the Indian context on the electoral performance of the switchers pre-and post-switch. In this backdrop, the following section analyses the electoral costs of defectors.

5.3.6 Electoral Costs to the Defecators

This section surveys the electoral costs faced by the MLAs in India for switching parties. The reasons the defectors face electoral costs are, first, on the normative ground, switching is seen as a violation of the contract by the representatives as they switch parties in between the terms. Second, the voters might vote for a particular party for various reasons like- traditional voters of a particular party, due to ideology, ethnicity or caste-ties, and so on. Thereby, when the representatives switch to other parties, at least some voters might not readily accept the representative's change in party affiliation.

One should not generalise that all switchers will face some electoral costs because there will always be some cases and contexts where switching does not lead to electoral costs. For example, in Andhra Pradesh, Ravi Kumar, an MLA from Addanki Constituency in Prakasham district, represented the constituency for three consecutive terms. In each term, he contested from a different party but won with an increased vote share from the previous term.

²⁷⁷ For instance, in the Huzurabad assembly constituency of Telangana, the TRS MLA Etela Rajender switched from the TRS to the BJP 2021. He left the TRS after the party removed him from the cabinet over allegations of illegal land grabbing in the Medak district (Balakrishna, 2022). The by-elections caused by his resignation was considered one of the costliest assembly by-elections in India. It was also one of the most competitive elections, as the constituency witnessed several visits by significant political leaders, increased campaigns, and *padayatras* (a journey undertaken by a politician mostly to interact with different sections of society) (Balakrishna, 2022).

Table 5.10
MLA Ravi Kumar's Electoral Performance in Three Parties

Year	Party	Votes	Vote (%)	Margin of Victory	Margin of Victory (%)
2009	INC	86035	49.59	15764	9.09
2014	YSRCP	99537	50.03	4235	2.13
2019	TDP	105545	50.86	12991	6.26

Source: Based on the data collected from newspaper reports and the ECI results reports

Table 5.10 presents Ravi Kumar's case as interesting because although he shifted three different political parties, voters in his constituency have not shown any electoral costs against him. His vote share has not been reduced. This reiterates the point Kailash (2022a) makes that most voters do not object to the frequent shifting of parties by their representatives if they can deliver services. Therefore, one must consider that the defectors might not face electoral costs always. Instead, it depends on which party they are shifting to and the defector's ability to fulfil the constituency's needs. The fourth-party system witnessed several defectors winning in the subsequent elections. Therefore, the study has attempted to examine the electoral performance of the incumbents and the defectors.

Table.5.11
Electoral Performance of Incumbents and Defectors (2014-2021)

Incumbent MLAs Re-contested	Incumbent MLAs Re-elected	Defected MLAs Re-contested	Defected MLAs Re-elected
5546	2798 (50.45%)	521	267 (51%)

Source: Calculations based on the data compiled by the researcher.

Note: Though the total number of defections was 673, only 521 contested the subsequent elections due to reasons like denial tickets and merger of parties (yet to complete their current term).

The figures in Table 5.11 indicate that the proportion of incumbent non-switchers (political loyalists) re-elected and the incumbent switchers re-elected is almost identical in India. This is in sharp contrast to what has been observed by Snagovsky and Kerby (2018, p. 434) in the case of Canada. They find a significant difference between the number of incumbent non-switchers re-

elected and incumbent switchers re-elected. Their study showed that the incumbent switchers were less likely to be re-elected in Canada.

The lack of significant difference in the incumbent non-switchers and switchers' re-election might be why more MLAs switch in India. Switching parties does not negatively affect their future re-electoral prospects; this indicates that the percentage of voters holding switchers accountable in India is significantly less. The reasons for this could be the following. First, the party system in India is weakly institutionalised, unlike in the USA and Canada. Second, since most constituencies in India lack development in infrastructure, the constituents might re-elect the defectors when they switch to a ruling party. Third, the political parties and the voters do not have clear ideological differences. Hence, the voters might accept their representative even if he switched parties.

Table 5.12
Post-Switch Electoral Performance of Defected MLAs (2014-2021)

Category	In Numbers	In Percentage
Defected MLAs Won	267	51%
Defected MLAs Lost	254	49%
Total	521	100%
Defected MLAs Vote Share Increased	214	41%
Defected MLAs Vote Share Decreased	307	59%
Total	521	100%

***Source:** Calculations based on the data compiled by the researcher.*

***Note:** Though the total number of defections was 673, only 521 contested the subsequent elections due to reasons like denial tickets, and the merger of parties (yet to complete their current term).*

Table 5.12 indicates that the number of switchers winning in the subsequent elections is greater than the number of defectors losing in India. This contrasts sharply with the findings in countries like Canada, the UK, and the USA, where most switchers would lose. However, Table 5.12 shows that the number of defectors whose vote share decreased is greater than the number of defectors whose vote share increased. Nevertheless, the difference is not significant. Since the majority of the defected MLAs won the subsequent elections, it is interesting to examine further the circumstances under which the defectors would lose and see a decrease in vote share. Likewise, the conditions under which the defectors win and see an increase in vote share. Thus, the study expects the following conditions influences switching costs.

5.3.6.1 Direction and Timing of the Switch Impacts the Electoral Costs of Defectors

Like the legislators, the voters also employ rational choice behaviour while accepting or rejecting the defectors. The data shows that unlike in Western countries, where the majority of the defectors face increased electoral costs and see a decline in the vote share, there are mixed findings in India. In certain contexts, the defectors do not face greater electoral costs; instead, they perform better than in their previous term. However, under certain conditions, they face high electoral costs. Therefore, the following section examines the conditions under which the defectors perform better and the conditions under which the defectors see a decline in vote share. The electoral costs depend on how the voters perceive the defection i.e., ‘principled’ or ‘opportunistic’.

5.3.6.1.1 Defection to Major Vs. Minor Party

In this study, major parties mean the two or three political parties at the state level that receive the most seats and votes. Correspondingly, minor parties are those parties that do not have a significant electoral presence in the state. In this study, minor parties also include new parties (start-ups) in the state. In addition, independents were also included under the minor parties for calculation and comparison.

Hypothesis: MLAs switching to minor parties have higher electoral costs than the MLAs switching to major parties.

Table 5.13
Pre-and Post-Switch Average Vote Share of MLAs Switching to Major & Minor Parties (2014-2021)

Type of Party	Pre-Switch Average Vote Share	Post-Switch Average Vote Share
Major Parties	45.03	42.7
Minor Parties	43.5	14.07

Source: Researcher’s compilation from various newspaper reports and the statistical reports of ECI.

As the data in Table 5.13 shows that there is not much difference in the average vote share pre-and post-switch for the defectors switching to a major party. In contrast, there is a significant difference in the pre-and post-switch average vote share for the defectors switching to minor

parties. This indicates that the electoral costs of switching depend on the type of parties that the defectors switch.

The reasons voters do not prefer independent candidates/candidates from small parties/new parties are as follows. First, rational voters would choose an independent candidate only if the candidate has strong support. They should either belong to the dominant /majority caste in the constituency or should have served as their representative or as a minister more times, but in the ensuing elections, he was denied a ticket or been relegated to the background (sympathy of not being awarded what he is believed to receive).

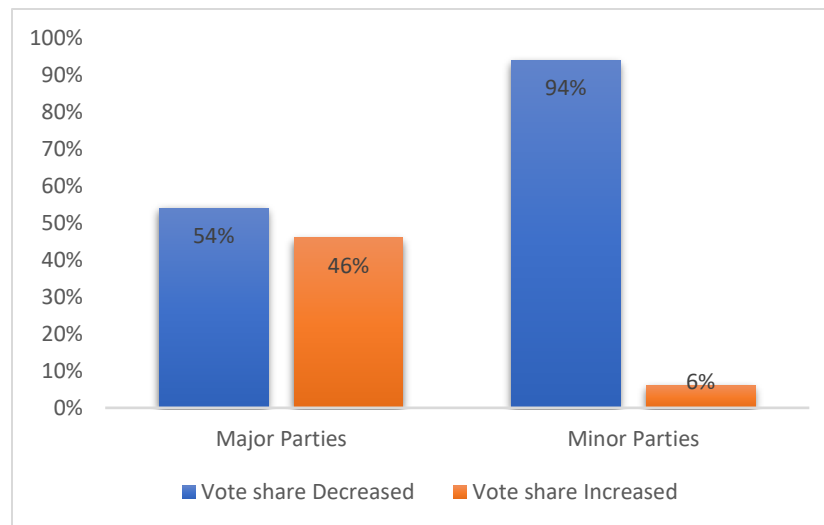
Second, since in the parliamentary form of government, it is the executive that controls the policy formulation, the voters are aware that an independent candidate cannot influence much at the policy level and cannot bring many developmental works to the constituency. In addition, independent candidates will be appointed ministers, generally, only if it is a hung assembly or when the governing party has a slim majority.

Third, voters might not prefer defectors contesting from small parties, because these parties play a crucial role/kingmaker only during a hung assembly when they are part of the coalition government. Voters know that the small party cannot bring many developmental projects if they are not part of the government. Hence, instead of wasting their vote to a small party, the voters might prefer to elect representatives from a large party. Fourth, voters are less likely to prefer a new party (start-up) by the defectors. As the data in the table indicates, most defectors lose elections when they defect to a new party. In rare cases, prominent politicians might win when they start a new party. However, it must be noted that the overall electoral performance of the new party remains low. This is because voters might be doubtful of the electoral performance of the new party, so they do not wish to waste their vote by choosing a new party.

Most defectors from a new party or a small or minor party or contesting as an independent candidate receive less than 10% of votes, and most defectors lose their deposits (research data). In some cases, the defectors cannot receive even 1% of the total votes. The new party might not have a strong organisational network to mobilise people. In contrast, the older and established parties would have their organisational networks well established. Therefore, more volunteers and members of the political parties might campaign for the defector just because they are now their

party's candidate. However, those who contest as independent candidates or from the new or minor party may not have this facility. Generally, new start-up political parties tend to merge with the ruling party to gain the benefit of office (which is limited to the ruling party).

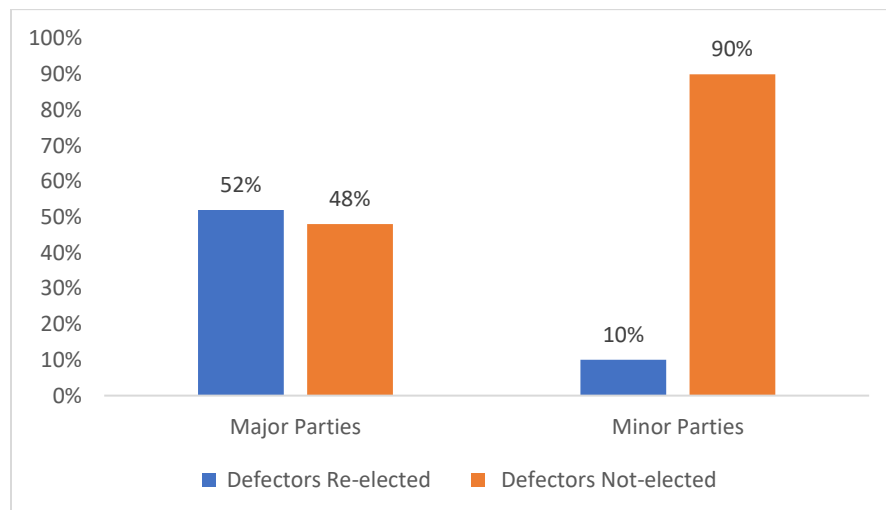
Figure: 5.5
Post-Switch Vote Share of Defectors Contesting from Major and Minor Parties



Source: Calculations based on the data compiled by the researcher.

Note: The number of MLAs who switched to major and minor parties is 592 and 81, respectively.

Figure: 5.6
Post-Switch Electoral Performance of Switchers Contesting from Major & Minor Parties



Source: Calculations based on the data compiled by the researcher.

Note: The number of MLAs who switched to major and minor parties is 592 and 81, respectively.

Figures 5.5 and 5.6 illustrate that the electoral costs for the defectors switching to the major parties are significantly lesser than for the minor parties. This proves that the electoral costs for the defectors are not uniform; instead, the costs would depend on whether the MLAs shifted to a major party or a minor party. The research data shows that only seven MLAs were re-elected out of the 74 defectors re-contesting from minor parties. Interestingly, all these seven MLAs had served more than two terms. This indicates that the MLAs would establish personal ties with the voters by serving multiple times in the same constituency. Thus, only a few legislators could win from a minor party.

As the electoral cost for the defectors joining minor parties is higher, it is essential to probe why voters do not prefer to elect defectors contesting as independents and as candidates of small and new parties. The following reasons can be put forth — First, rational voters are aware that an independent candidate cannot influence much at the policy level, and cannot bring much developmental work to the constituency. Likewise, the independent candidates generally have fewer chances of becoming a minister unless it is a hung assembly or government with a slim majority where the support of independent candidates becomes significant in the government's survival. The parties with landslide majorities generally do not include independent candidates as ministers unless the party needs their support.

Besides, candidates contesting from a registered party can avail certain institutionally designed benefits that an independent candidate lacks. For example, registered state and national parties are entitled to free telecast facilities in the state-owned Door darshan. Further, the parties are entitled to exclusive allotment of reserved symbols in the state and throughout the country. The candidates from registered parties can also avail preference in symbols compared to independent candidates (Explained: How political parties are registered in India, 2021).

Second, the voters do not prefer MLAs from small parties because small parties are generally limited to caste group/geography or leadership. In addition, small parties play a crucial/kingmaker role only during a hung assembly when the small parties become part of the government. Hence, rational voters, think that the small party cannot bring many developmental projects if they are not part of the government. So instead of wasting the vote on the small party, the voters might choose the major parties. Correspondingly, unlike the large parties, the

organisational strength of the small parties might be limited to certain regions. Therefore, they might not receive much support. This might be why most new and small parties gradually merge with the major parties over a period.

Third, in addition to the small parties, voters do not support the defectors when they contest under a new party label (start-up) unless the defected politician has strong supporters both in the political party and among the voters. The data shows that most defected MLAs have received less than 5% votes when they re-contest on a new party label. However, it must be noted that this might not be the case when the party splits and is led by a prominent leader. For example, YSRCP in Andhra Pradesh, although a new party was able to win 70 seats out of 294 seats in the 2014 assembly election as most of the voters perceived that after the death of his father YSR, Jagan had to be appointed as a chief ministerial. Hence, Jagan's split from Congress was seen as 'legitimate' or principled' and received support from the voters. Similarly, the major breakaway parties from Congress, like AITC and NCP, were well received. Nevertheless, over a period, when the start-ups do not perform well in the elections, the leaders of the party are more likely to merge their party with a large party. For instance, the Prajarajam party of film star Chiranjeevi in Andhra Pradesh.

Unsurprisingly, even MPs and MLAs who had served several times had secured a marginal number of votes when contested from a minor party. Generally, it is believed that those who hold power in a constituency for a longer period would have established ties with the voters due to the developmental works that they would have carried over a period. However, it shows that the voters look for the 'party label' along with the candidate while electing their representatives.

The voters are less likely to prefer a defector contesting as an independent candidate, MLAs from small and new parties, unless the candidate has strong support in the constituency²⁷⁸. As mentioned earlier, the representative from a governing party has higher access to the state office and resources than MLAs from minor parties. The above points have shown that the defectors are likely to face higher electoral costs if they shift to minor parties compared to major parties.

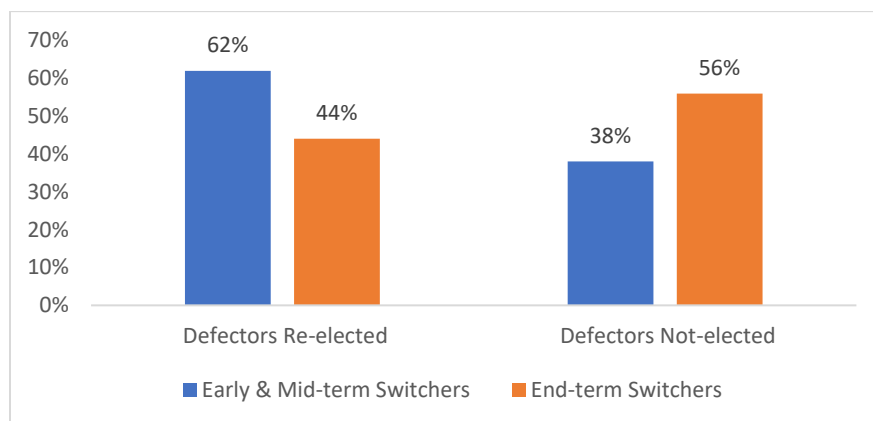
²⁷⁸ Sometimes voters might elect the defectors out of sympathy that the legislator, despite serving the party, has been denied a ticket or been pushed to the background.

5.3.6.1.2 Electoral Costs Differ on the Timing of Switch

Besides the type of party that the MLAs switch to, the timing of their switch also influences the electoral costs for the switchers. As discussed in the framework chapter, the legislative cycle is likely to see greater switches during the active phase than during the dormant phase. Since switching parties is a calculated behaviour, the representatives might take —days, months, and years before they switch parties. The existing studies show that switching at early or mid-term is less likely to reduce the cost of switching than end-term switching. Concerning the electoral costs and switching, the study expects the following hypothesis.

Hypothesis: Early and mid-term switchers face lower electoral costs than end-term switchers.

Figure: 5.7
Electoral Performance of Early Switchers Vs End-term Switchers



Source: Calculations based on the data compiled by the researcher.

Figure 5.7 presents that the legislators switching early and mid-term of the assembly have higher chances of winning than end-term switchers. This shows that the end-term switchers face higher electoral costs than early and mid-term. The reasons for this are. First, as the literature shows, switching towards the end-term will be seen as ‘opportunistic’. The end-term switching will be seen as a switch to meet the re-election motive of the legislators. Second, changing parties just before the elections would be fresh in the memory of the voters. Therefore, those voters who were dissatisfied with the switch would punish the legislators by voting against the defector.

Third, in most cases, except when it is a merger of the party or Speaker’s delay in decision on defection petitions, those who switch early and mid-term of the assembly would resign and

contest in the bye-polls. In general, the by-polls in states would mostly favour the ruling party in the state, as the voters in the constituency feel that being with a governing party can bring them more benefits.

Similarly, in most cases, the voters elect the defectors in by-polls because rational voters, think that the chances of their representatives being appointed as a minister are more if they are part of the ruling party. Moreover, the voters know that if their MLA is on the ruling side, they tend to bring more developmental work to the constituency. The literature highlights that more than the ideology or party label, the voters in less developed constituencies might be more concerned about the development of their constituency (Desposato, 2006). The above discussion has shown that the electoral costs for the defectors in India depend upon the direction, type of party, and timing of the switch.

5.4 Conclusion

The chapter has shown that the vote, office, and profit motive determine the legislators to switch parties. However, institutional settings like the nature of political parties, and the role of the state, and federal institutional design facilitate the legislators to switch parties. Though legislators switch to meet their motives, they claim that they are changing to protect the interest of their constituents. They do this to create their image as ‘principled’ and not ‘opportunistic’. The study found that most legislators switch to the ruling party as it is the ruling party that has greater access to state resources — votes, offices, profit, and policy.

The study has also observed that in India, most legislators switch at the end-term of the legislative assembly to avoid being disqualified. This shows that the legislators switch to meet their vote motive. It has also highlighted that the likelihood of switchers and non-switchers (political loyalists) being re-elected is almost the same. This might influence the would-be switchers to shift parties. Concerning the electoral costs, the chapter has shown that though on average the defectors see a decrease in their vote share, the electoral costs depend on the direction and timing of the switch. The electoral costs of defection in India are lower than in countries like the USA, Canada, Italy, and Britain. This might be due to reduced ideological and party ties among the voters in India.

Chapter-6

Conclusion

Political parties play a crucial role in representative democracies. On the one hand, they act as information shortcuts to the voters and, on the other hand, provide brand names for the candidates, and campaign support through advertising and financing, to fight elections. Regardless of these useful roles, legislators often switch parties. Understanding why legislators jump parties during the legislative term is a question frequently asked by students of legislative studies and party politics. Some argue that switching parties between the elections undermines elected governments and alters legislative majorities, without the involvement of the voters. Hence, often considered against the principles of representative democracy, it has a bearing on the issue of legitimacy.

Notwithstanding the existence of the anti-defection law in India for over 37 years, defections continue and play a substantial role in terminating the state governments before the completion of their terms. The surge in party switching and the complex changes it brings to the political parties, and party system offers a puzzle to answer why, when, and how legislators switch political parties in India. This study specifically aimed to address three questions. First, what determines party switching among MLAs in India. Second, what are the electoral costs and office benefits/rewards of party switching for the MLAs. Third, when is the appropriate time (context) for the MLAs to switch parties and, in which direction do the MLAs switch.

This study suggests that votes, office, and profit motives were significant determinants of party switching²⁷⁹ in India. Additionally, institutional factors like a strong-centre oriented federal system, increase in coalition governments at the states, multi-party system, centralised and dynastic nature of political parties, and exemption of splits and mergers have eased the legislators to fulfil their ambitions by switching parties. Hence, we have argued that party switching results mainly from legislators' personal motives, and the institutional setting in India facilitates the legislators to fulfil their political ambitions.

²⁷⁹ This is drawn from the rational choice approach which shows that the legislators' ambitions of vote, office and policy are a significant determinant influencing the legislators to switch parties. This approach is widely used in understanding party switching in other countries as well.

Based on the survey of literature on party switching, the study noted that theoretically and empirically, it has received increasing attention in the past two decades in other countries. Party switching is extensively studied because of its implications on democracy. Further, it brings changes to the party system and the number of political parties in the legislature without elections. Further, it violates voters' mandate, and by changing parties, representatives escape accountability and transparency. The topic has received significant interest even in countries where defections are rare due to its undesirable implications on representative democracy.

Party switching has existed from the start of the republic in Indian politics, and it has been rising since then. Despite the introduction of constitutional measures to curb the practice of party switching among legislators, it continues to occur routinely. Nevertheless, it was limited to normative critique and a descriptive summary of defections. In this context, this study tried to fill this gap by systematically explaining the phenomenon of party switching.

The study used the strategic and institutional approach to understand the phenomenon of party switching in India empirically. The study's finding has shown that the percentage of MLAs switching parties is higher than that of the Lok Sabha MPs. Although several Lok Sabha MPs also keep changing parties, their role in subverting the central government is minimal²⁸⁰ compared to the implications of party switching by the MLAs on the state governments. Hence, the study examined defections in the state legislative assemblies instead of the Lok Sabha.

The study has traced the historical development of the anti-defection law in India. It brings out the loopholes and criticisms against the law by constitutional experts, Judges, academicians, and politicians. It also underscores the recommendations of scholars, academicians, and various Committees to strengthen the anti-defection law in India. The study suggests that the political parties and legislators had misused the provision of exemption of splits until the 91st Constitutional Amendment in 2003. Further, to circumvent the law, the legislators continue to use (misuse) the exemption of mergers to change parties mostly to meet their political ambitions. As per the

²⁸⁰ In Lok Sabha, the governments have been mainly destabilised when the coalition partners have withdrawn support, then due to the defection by individual MPs. In contrast, at the state level it is the shift by MLAs that has often destabilised the elected governments.

findings, most mergers in the state legislative assemblies were to the ruling party at the state and centre. Speaker's partisan decision is another major loophole of the law.

This study has underscored that the anti-defection law has failed to meet its desired intention of curbing defections and bringing stability to the government. It has elucidated how the speaker, supposed to be a non-partisan functionary, has been involved in numerous controversies while using his adjudicatory power in deciding defection petitions. The study has shown that speakers of legislative assemblies have taken prolonged time to act on the defection petitions of switchers joining the ruling party. Conversely, the speakers are quick in deciding defection petitions against the opposition party legislators.

It highlighted the existence of anti-defection laws in other countries. It suggests that anti-defection laws are more common in new democracies of African and Asian continents than in established democracies of the American and European continents. In established democracies, political parties have an internal mechanism to curb defections. In contrast, most countries in the African and Asian continents have designed constitutional laws to curb defections. However, legislators have found ways to bypass such laws in several countries.

It has attempted to examine the trajectory of the party system and party switching in India from 1952 to the present. It has described the reasons for low defections in the Congress dominance phase (1952-1966). The significant factors that facilitated the legislators to stay-put instead of switching in the Congress era are—the absence of strong alternatives to the Congress party, lack of incentives to switch to other parties as Congress party-controlled governments at the centre and in the states²⁸¹ comfortable majorities at the state assemblies and in the Lok Sabha, the existence of intra-party democracy and ideological consensus within the Congress party.

The findings present that the number of defections in the second phase (1967-1984) saw a surge. The factors that facilitated the increase in the defections are as follows; the emergence of coalition governments at the state level, the rise of opposition parties, the split within the Congress party, the decrease in Congress party's political power in the Lok Sabha and several state

²⁸¹ The governing parties have greater access to the state resources through which the legislators' vote and office motive can be fulfilled.

legislatures and the weakening of the Congress party organisation and the rise of social consciousness to represent their caste groups in politics. All these reasons stimulated the dissatisfied legislators to switch parties. It observes how the change in the party system from single-party dominance to the emergence of a multi-party system in the late 1960's accelerated the legislators to switch parties constantly to meet their personal ambitions. It suggests that the increase in coalition governments at the state level has assisted the rise of defections in the state legislative assemblies.

The study highlights how defections took a different turn in the third phase (1985-2013) with the enforcement of the anti-defection law in 1985. In the third phase, the fear of losing membership of the House for changing parties reduced individual switches. However, the number of group switches in the form of splits and mergers was significant and continued to subvert several elected governments. With the removal of the exemption of the splits from disqualification, political parties and legislators continue to use the exemption of the mergers to switch parties in the name of moral grounds but primarily to meet their political ambitions. The study has provided that with the enforcement of anti-defection law, India witnessed an increase in the number of state and registered political parties²⁸². Since the law disqualified the legislators for changing parties during the legislative term, some of the legislators would have started new parties just before the elections instead of defecting to the existing parties.

In the fourth-party system (2014-2022), the defections further increased as a result of the following factors —the emergence of a single party majority in the Lok Sabha and several states, the absence of strong regional leaders within the BJP, the political expansionist motive of the BJP, increased use of the central investigative agencies against the legislators of opposition parties, lack of comfortable majorities in several state assemblies and efforts by regional parties weaken the strength of the opposition parties despite having comfortable majorities.

The findings illustrate that the BJP was the largest gainer in the fourth phase, and Congress was the most significant loser due to defections. The study shows nearly 338 MLAs, i.e., nearly 50% of the defectors have switched to the BJP. This is similar to how Congress benefited the most

²⁸² In India, political parties have emerged due to other reasons like the demand for autonomy and separate statehood, protecting regional identities, the rise of religion and caste-based identity politics, and others.

whenever the party was strong at the centre. This reflects that legislators, irrespective of the party in power, are more likely to switch towards the ruling party as it would have greater access to state resources and stronger political influence. This helps the legislators meet their personal motives and fulfil their voters' demands.

This study has also highlighted how the BJP used party switching to back the party's expansion in states where it was weak and to sustain its political strength in states where it was strong. This shows that in a federal country like India, political parties use defections to influence the legislators at other federal levels to switch to the ruling party at the centre. The study has shown how the majority parties use defections to establish political dominance at another federal level and within the states in those constituencies where the party is electorally weak.

Interestingly, regional parties like the TRS, TDP, and the AITC in Telangana, Andhra Pradesh, and West Bengal, respectively, tried to weaken and displace the opposition parties despite comfortable majorities through defections. The actions of parties with a comfortable majority illustrate that the ruling parties use their dominant position to influence legislators to jump ship. The dominant parties do this to weaken the opposition and become unquestionable. Additionally, this phase also saw the emergence of several new parties as the legislators switched from their parent parties.

This study highlights the federal system's influence on defections in India. It uncovered that the MLAs at the state level get influenced by the party in power at the centre. The findings suggest that the ruling party at the centre most often formed a government at the state level whenever the elected governments were destabilised due to defections. It underscores the role of the party in power at the centre in influencing the formation, sustenance, and termination of the state governments in between the legislative terms using defections. It shows that in a federal country like India, irrespective of the party in power at the centre, ruling parties have used party switching as an instrument to undermine the elected governments of opposition parties at the state level. The ruling political parties do this primarily to weaken their competitors and to establish their political dominance at the state level.

Replacing the state governments headed by opposition parties is a win-win for the ruling party at the centre and the MLAs at the state legislatures. On the one hand, it helps the ruling party

at the centre to expand its political power at the state level by having more state governments ruled by the party. On the other hand, it is beneficial to the defecting MLAs as they are likely to receive votes, profit, and office rewards from their new party that forms the government. This echoes that both political parties and the legislators switch parties to meet their respective political goals.

The study has highlighted six common trends of defections in India from the start of the republic to the present (in all four phases). First, whenever state governments were undermined as a result of defections, the ruling party in the centre benefited from defections and formed a government at the state level. This pattern is present irrespective of the party in power at the centre. This indicates that political parties constantly aim to capture power at multiple levels and search for ways to expand their party strength at other levels to continue political dominance. This reminds the misuse of Article 356²⁸³ of the Indian Constitution by the ruling party at the centre to impose the President's rule in the states ruled by the opposition parties.

Second, more governments were destabilised whenever coalition governments and a party with a slim majority formed the state government. This does not mean that the majority government cannot be destabilised. In other words, switching can easily subvert coalition governments and governments with a slim majority than a majority government. The three main reasons for increased defections under coalition governments are: first, the demand for legislators increases to sustain government. The legislators are more likely to shift their support/loyalty to a party that offers the highest benefits under coalition governments. Second, when the number of parties in the legislature are more, the number of options available to the legislators to shift is higher. Third, under coalition governments and a slim majority, even if a small number of legislators change party, it can undoubtedly alter the balance of power in the legislature, unlike in the majority governments. Hence, given the legislator's vote, office, and profit motives, the institutional setting will assist the legislators in switching parties.

The third prevalent pattern observed in all phases is the toppling of the elected governments between the elections. Interestingly, party switching has destabilised several state governments

²⁸³ Article 356 of the Constitution empowers the President of India to impose constitutional emergence/president's rule in a state based on the report of the Governor. In case of imposition of President's rule, the union parliament can exercise the powers that the state legislative assembly is entitled to. However, with the Supreme Court's judgement in *S.R. Bommai Vs Union of India 1994*, President's rule under Article 356 cannot be imposed by the centre unless there is grave threat to the Constitution.

during the legislative term in all four phases. The replacement of governments due to defections indicates the violation of the people's mandate. It also informs us that it is not just the elections that replace the governments, but defections too have the potential to alter the governments. The legislators' decisions to switch parties between the elections can change the party that forms and controls the government. It shows that without the involvement of the voters, the legislators can decide the formation, sustenance, and termination of elected governments. Defections might weaken the opposition when most switches are to the ruling party. Without competent opposition in the legislature, the functioning of democracy would be feeble.

Fourth, Governors consistently assist the party at the centre in displacing the governments controlled by their opponents. Since the ruling party at the centre nominates the Governors, they would show their partisan affinity to the party that nominated them. As a result, the Governors have provided sufficient time to prove the majority to their party's leaders and give little time to the opposition party's leaders.

Fifth, rewarding the defectors with ministerial posts and other positions in return for shifting their political loyalty. Office motive is a vital factor determining the legislator's decision to switch parties; the ruling parties have rewarded the defectors with the office. The parliament amended the anti-defection law in 2003 to limit the misuse of rewarding defectors with ministerial posts. The amendment limited the strength of the council of ministers to 15% of the size of the legislative assembly. Despite this, the ruling parties continue to reward the defectors with various offices such as Speakers, Deputy Speakers, party Whips, chairpersons to state-owned boards, appointment to committees, and other new posts like advisors to ministers, allocating significant positions in the party. Additionally, the defectors receive special constituency development funds, direct cash transfers, and dismissal of investigative cases against them.

Sixth, most defectors face electoral costs and witness a decrease in their vote percentage post-switch elections. This is because, on the one hand, the party's traditional supporters might punish the defectors for changing the party. On the other hand, even the non-traditional voters

might punish the defectors when the voters consider that the switch is ‘opportunistic’ and not ‘principled’²⁸⁴.

The findings of the study suggest that the electoral costs of party switching in India are low compared to other European countries. For instance, in Canada, the number of incumbent non-switchers (political loyalists) elected is higher than that of incumbent switchers. In contrast, the number of incumbent switchers and the incumbent non-switchers re-elected is almost the same in India. This indicates that there is no difference between the chance of re-election of incumbent switchers and non-switchers. The absence of difference in re-election chances for switchers and non-switchers might influence other MLAs to switch parties.

On the electoral costs of party switching, the study has emphasised that, unlike in other countries, the electoral costs of party switching are not uniform for the defectors in India. It has shown that the electoral loss depends on the direction and timing of the switch. It was observed that the electoral costs of defections are higher for MLAs switching to minor parties than major parties²⁸⁵. Likewise, the electoral costs were higher end-term switchers than for early and mid-term switchers. This is because the end-term switch is often considered an ‘opportunistic’ switch. In contrast, the early and mid-term switch will be considered a ‘principled’ switch. Concerning the rewards offered to the defectors, the study has underscored that the rewards provided by the political parties are not uniform. Instead, the rewards depend on the need of defectors' support for the political parties in the formation and survival of the government. The findings showed that in states where the survival of the government was due to defectors' support, more defectors received office rewards.

As the data shows, on average, nearly 91% of the defected legislators were given tickets by the political parties. Remarkably, in twelve states, all defectors were given tickets (see Table 5.1). Interestingly, several legislators openly said they switched parties because their present party denied them tickets. All these indicate that the vote motive was a significant determinant in influencing the legislators to switch parties. Being in politics helps in greater and quick access to state resources, power, and prestige. The politicians tasted power once, would like to remain in

²⁸⁴ The meaning of opportunistic and a principled switch are defined in the theoretical framework chapter.

²⁸⁵ The terms minor parties and major parties have been defined in the conceptual framework chapter.

power forever as they would like constant access to the state resources, services, prestige and the paybacks associated with it.

The study observed that contrary to the prediction that most MLAs would vote early-term, as this type of switching provides sufficient time to negotiate vote, office, profit and policy benefits. In addition, the early-term switch will be considered a ‘principled’ switch. In India, more than half of the MLAs (54%) have switched at the ‘end-term’. The finding shows that around 13% of MLAs have switched early in the term, and 33% have switched towards the mid-term²⁸⁶. End-term switching might not create as much political instability as early and mid-term switching. Nevertheless, it is still significant to note the number of defections at the end-term, as it is likely to weaken the strength of opposition parties. Besides, the switch at the end-term might influence the voters to vote for a particular party. As it might reduce the morale of a losing party and its supporters. With this, the vital role that the opposition is supposed to play in a democracy is curbed.

In addition, the fact that nearly 46% of the defectors switch in the early and mid-term of the legislature highlights the defeat of the intent of the anti-defection law to curb defection and ensure government stability. The probable reasons most MLAs in India switch in the end-term than in the early-term are as follows. First, unlike in most European countries and the USA, where switchers will not lose their membership of the House, but parties might remove them from their ministerial and committee assignments. In India, anti-defection law disqualifies legislators if they switch during the term. Therefore, to avoid being disqualified, the MLAs switch toward the end-term. Second, in India, ‘vote motive’ could be stronger among the legislators than the office and policy motive. Hence, most MLAs switch parties, when denied tickets to contest elections. As the candidates will know whether they are given a ticket or not only just before the next elections, most legislators switch towards the end-term when their present party denies the ticket. The MLAs also switch parties when they expect that their present party may fail to secure a majority in the upcoming election. Hence, the MLAs who wish to be re-elected would like to be in the party with a higher chance of winning than to stay with the sinking ship.

Third, MLAs who switch early-term expect rewards from the ruling party or the party that is likely to form the government with the support of defectors. Often this also renders them safe

²⁸⁶ See Figure 5.4.

from disqualification, particularly if the party requires the support of defectors to form the government. As a result, only those MLAs who are assured of the office benefit by the ruling party would switch during early-term. Fourth, since there is a cap on the appointment of the number of ministers with the 91st Constitutional Amendment Act, the number of MLAs who can receive ‘office benefit’ is limited. Most MLAs want to be re-elected before negotiating for office benefits and policy consideration.

The finding of this research shows that an increasing number of legislators switch from one political party to another party, and only around one percent of legislators of political party shift and contest as independent candidates. This proves that the political parties continue to be the centre-stage in India’s electoral democracy. Further, the findings regarding the direction of defection, suggests that the shift is mostly from the main opposition to the ruling party and from the ruling party to the main opposition party in the states. This proves that the defectors who intend to capture power by being in government or at least by holding political office (MLA or MP) like to be with the political parties rather than contest as independents. Studies have shown that independents cannot bring much change in the policy nor enjoy access to state resources as much as a ruling party; because in the parliamentary form of government it is the majority party that controls the government (access to state resources and political influence) and decides on legislative and executive matters in the parliament.

The study has shown that although the MLAs switch to meet their vote and office benefits, they try to provide ‘principled’ reasons for their change of parties. The finding showed that most MLAs (28%) had said they switched parties for the sake of the development of their constituency. Furthermore, around 23% of the MLAs said they switched because they were dissatisfied with their present party. These two reasons given by the defectors are to project their switch as principled instead of opportunistic. The MLAs do this to reduce their electoral costs for switching parties. The finding of the study has also highlighted the role of money in defection; it has observed that the majority of the switchers had a huge increase in their pre- and post-switch assets. The study has discussed several newspaper reports that described how political parties in need of defectors had offered crores of rupees to the defectors. Further, the financial transactions received by defectors correspond with their time of shifting parties.

Parties are considered integral to democracy. Political parties have an essential role in shaping a democratic government; thus, the working of democracy is considered as ‘unthinkable’ without political parties. Political parties play a determinative and creative role in the government. In addition to their importance to democracy, political parties are useful for politicians as they provide a brand through which they contest and help in providing campaign resources, finances, or party supporters. But party switching is a disturbing trend where those who were supposed to be the torchbearers for democracy end up subverting it, as political parties and legislators continue to violate the provisions of the anti-defection law to jump ships.

Political parties across the board have started accepting/welcoming defectors in India. This shows that political parties no longer stand for a particular ideology; instead, winning elections to capture power and access state resources seems to be the primary goal of the political parties. Voters in India also seem to care less about the party their representative belongs to as long as their representatives can bring them constituency developmental benefits and other services. Unless the voters start rejecting the switchers and political parties come together to curb defections, party switching would continue to destabilise elected governments and change the balance of power within the legislature and among political parties in between the term. Jumping ships frequently indicate weak loyalty of politicians to their parties. Both political parties and legislators try to maximise their political goals, resulting in frequent party switching.

An increasing number of defections routinely has forced us to re-think the role of political parties and legislators. Persistent party switching makes political parties meaningless and might lead to personalism in politics. To conclude, defections have a bearing on political legitimacy, create institutional instability, reduce accountability and result in weak oppositional space in representative democracies. The institutional instability and manipulative political legitimacy through defections, thus, have pivotal bearings on the voters' political dignity and entitlements in a representative democracy. In addition, party switching may increase the role of money in Indian politics, which is already high²⁸⁷, and increases political corruption as the political parties welcoming defectors offer financial rewards and positions in return for changing parties.

²⁸⁷ For details on the role of money in Indian Politics see (Chauchard, 2018; Sircar, 2018; Vaishnav, 2017; Kapur & Vaishnav, 2018; Suri, 2021b).

The study contributes to the scholarship on party switching, legislative behaviour, Indian politics, and party politics. It would also be helpful to undertake comparative studies with other countries in future research as it would add to the empirical studies on party switching.

Appendices

Appendix 1

Classification and Features of Party System in India into Four Party Systems

Category	Period	Classification	Features
The First Party system or The Congress dominance	1951-1967	Rajni Kothari	Clear majority at the centre and in most states. Congress dominated both at the centre and in states. Weak Competitiveness among parties.
The Second Party System or The Congress Opposition	1968-1989	Yogendra Yadav	Congress was in power at the centre. However, saw the rise of Opposition in the states. Several hung assemblies at the states.
The Third-Party System or Coalition Era	1990- 2014	Yogendra Yadav	Many state-based parties were part of coalition governments at the centre. Rise of the OBCs, regionalisation and federalisation
The Second Dominance or The Fourth Party System	2014 to present	Palshikar (2017) Chhibber and Verma (2018), Vaishnav and Hinston (2019)	Re-emergence of single party majority at the centre. The Opposition parties at the centre have become weak. Increased competitiveness among parties at the state level.

Source: Prepared by the researcher based on Kothari (1964), Yadav (1999), Palshikar (2017), Chhibber and Verma (2018), Vaishnav and Hinston (2019).

Appendix 2

Countries where Switching is Rampant and Type of Electoral System

Sl. No	Country	First Election	Electoral System	Continent
1	Japan	1946	PR	Asia
2	Russia	1993	PR	
3	Nepal	1959	FPTP	
4	Philippines	1947	FPTP	
5	Taiwan	2008	Mixed	
6	India	1952	FPTP	
7	South Africa	1910	PR	Africa
8	Kenya	1963	FPTP	
9	Zambia	1964	FPTP	
10	Brazil	1822	FPTP	North America
11	Canada	1892	FPTP	
12	Panama	1903	FPTP	
13	Italy	1971	PR	Europe
14	Spain	1492	PR	
15	Poland	1991	PR	
16	Hungary	1849	FPTP	
17	Bolivia	1809	FPTP & PR	South America
18	Ecuador	1820	PR	

Source: Created by the researcher based on Mershon & Shvetsova, (2013), Di Virgilio et al., (2012, p. 30), Hicken, (2006), Desposato, (2006, p. 62), Alex & Tang, (2015, p. 490).

Appendix 3

Composition of Committee on Defections

SL. No	Name	Position	Position in the Committee
1	Y.B. Chavan	Union Home Minister	Chairman
2	P.Govinda	Union Law Minister	Member
3	Ram Subhag Singh	Union Minister for Parliamentary Affairs	
4	P. Venkatasubbiah	Member of Parliament	
5	N.G Ranga	Member representing Swatantra Party	
6	Bhupesh Gupta	Member representing CPI	
7	P. Ramamurthy	Member representing CPM	
8	Madhu Limaye	Member representing Samyukta Socialist Party	
9	S. N Dwivedi	Member representing Praja Socialist Party	
10	Balraj Madhok	Member representing Bharatiya Jana Sangha	
11	K. Anbazhagan	Member representing Dravida Munnetra Kazhagam	
12	C.N Chatterjee	Member representing Progressive group of independent	
13	Karni Singh	Member representing independent parliamentary group	
14	Raghuvir Singh Shastri	Member representing Nirdaliga Sangathan	
15	C.K Daphtary	Attorney General	
16	M.C Setalvad	Member of Parliament	
17	H.N Kunzru		
18	Jayaprakash Narayan		
19	Mohan Kumaramangalam		

Source: Created by the researcher based on report of the Committee on Defections 1969.

Appendix 4

Direction of Mergers in State Assemblies (1985-2005)

Sl. No	State	Year	Date of Merger	Party Seeking Merger	Merged with	Party in Center	Party in State
1	Arunachal Pradesh	2003	26/8/2003	Congress (D)	BJP	BJP	BJP
		2003	28/8/2003	Arunachal Congress Legislature Party	BJP	BJP	BJP
		2003	14/11/2003	Congress (D) Legislature Party	BJP	BJP	BJP
2	Assam	1996	20/5/1996	New Group of All India Indira Congress (Tiwari)	AGP	JD	AGP
		1997	1/2/1997	All India Indira Congress (Tiwari)	INC	JD	AGP
3	Bihar	2002	1/11/2002	Bahujan Samaj Party	RJD	BJP	JD
		2003	25/6/2003	Bahujan Samaj Party (Split Away Group)	RJD	BJP	RJD
		2003	25/6/2003	Samatha Party	JD (U)	BJP	RJD
		2004	1/1/2004	Janata Dal (Jaya Prakash)	JD(U)	BJP	RJD
		2004	1/1/2004	Janata Dal (Jaya Prakash)	RJD	BJP	RJD
		2004	1/1/2004	Samatha Party	RJD	BJP	RJD
		2005	1/1/2005	Revolutionary Communist Party	RJD	INC	RJD
4	Chhattisgarh	2000	21/11/2000	Bahujan Samaj Party (Chhattisgarh)	INC	BJP	INC
		2001	20/12/2001	Chhattisgarh Vikas Party	INC	BJP	INC
5	Gujarat	1992	7/6/1992	Janata Dal (Gujarat Legislative Party)	INC	INC	INC
		1992	19/9/1992	Yuva Vikas Legislature Party	INC	INC	INC
		1997	28/7/1997	Mahagujarat Janta Party	RJP(Gujarat)	JD	RJD
		1999	20/7/1999	All India Rastriya Janata Party	INC	BJP	BJP
		1999	13/8/1999	SP (Gujarat)	BJP	BJP	BJP

6	Haryana	1989	7/2/1989	Lok Dal	JD	JD	JD
		1991	29/7/1991	BJP (K)	INC	INC	SJP
		1991	27/12/1991	Janata Dal	JD(H)	INC	SJP
		1993	21/7/1993	Janata Dal (V)	INC	INC	INC
		1994	26/2/1994	Janata Dal	INC	INC	INC
		1996	18/6/1996	Samata Party	SJP	INC	INC
		1997	9/12/1997	Samata Party	INLD	JD	HVP
		1997	14/1/1997	All India Indira Congress Party (Tiwari)	INC	JD	HVP
		1999	16/8/1999	HVP (Democratic)	INLD	BJP	HVP
7	Himachal Pradesh	1992	7/7/1992	Himachal Vikas Manch	BJP	INC	N/A
		1992	23/9/1992	Janata Dal	INC	INC	N/A
		1992	28/9/1992	Himachal Congress Party	INC	INC	N/A
		1992	12/10/1992	Janata Dal (S)	INC	INC	N/A
		1998	11/3/1998	Himachal Kranthi Party	BJP	JD	INC
8	Karnataka	1989	31/1/1989	Janata Legislature Party	Lok Dal	JD	INC
		2000	28/3/2000	Lok Shakti Party	JD(U)	BJP	INC
9	Maharashtra	1991	12/5/1991	Socialists (Sharadchandra Jai)	INC	INC	INC
		1991	1/8/1991	Maharashtra Congress Dal	INC	INC	INC
		1991	18/12/1991	Shiv Sena (B)	INC	INC	INC
		1992	27/3/1992	Shiv Sena (B)	Shiv Sena	INC	INC
		1992	27/3/1992	Shiv Sena	INC	INC	INC
		1994	6/8/1994	Republican Party of India	INC	INC	INC
		2001	26/1/2001	SP (B)	NCP	BJP	INC
		2001	8/10/2001	SP	NCP	BJP	INC
10	Manipur	2003	15/9/2003	Democratic Revolutionary Peopl's Party	INC	BJP	INC
11	Nagaland	1990	27/11/1990	Congress R	NNC	SJP	NNC

		1994	8/7/1994	Nagaland People's Council Democratic Party	INC	INC	INC
12	Punjab	1993	15/7/1993	United Communist Party of India	INC	INC	INC
		1994	26/8/1994	Indian People's Front	INC	INC	INC
		2002	9/10/2002	Communist Party of India	INC	BJP	INC
13	Uttar Pradesh	1990	11/1/1990	Lok Dal (B)	JD	JD	JD
		1990	6/6/1990	Janata Party (JP)	JD	JD	JD
		1994	4/3/1994	Samatawadi Group	SP	INC	SP
		1994	30/3/1994	Samata Group	SP	INC	SP
		1994	24/6/1994	Samata Group	SP	INC	SP
		1994	29/6/1994	Pragatisheel Janata Dal	INC	INC	SP
		1994	22/7/1994	Samata Group	SP	INC	SP
		1994	7/9/1994	Samata Group	SP	INC	SP
		1994	24/6/1994	BSP (Rajendra Kumar)	BSP	INC	SP
		1997	21/4/1997	All India Indira Congress (Tiwari)	INC	JD	BSP
		1999	23/1/1999	Bharatiya Kisan Kaghar Party	Lok Dal	BJP	BSP
		2000	4/12/2000	Janata Dal (Rajaram Pandey)	LJP	BJP	BSP
		2001	4/3/2001	Jantantrik Bahujan Samaj Party (MC)	LJP	BJP	BSP
		2002	7/10/2002	Lokjanshakti Party (Rajaram Pandey)	SP	BJP	BSP
		2003	6/2/2003	Akhil Bharatiya Congress	BSP	BJP	SP
		2003	3/2/2003	Ekta Party	BSP	BJP	SP
		2003	11/2/2003	Rashtriya Alpashankhayak Party	BSP	BJP	SP
		2003	2/4/2003	Vatsavik Apna Dal	BSP	BJP	SP
		2003	2/9/2003	Janata Dal (U)	SP	BJP	SP

		2003	2/9/2003	Manji Manjhawar ShoshIt Dal	SP	BJP	SP
		2003	5/9/2003	Ekta Party	SP	BJP	SP
		2003	6/9/2003	Loktantrik Bahujan Dal	SP	BJP	SP
		2003	15/9/2003	Samata Party (Rajaram)	SP	BJP	SP
		2003	30/9/2003	SJP (Ram Govind)	SP	BJP	SP
		2003	4/10/2003	Apna Dal (A)	SP	BJP	SP
		2003	30/10/2003	National Loktantrik Party	SP	BJP	SP
		2004	20/2/2004	Rastriya Kranti Party	BJP	INC	SP
14	Uttaranchal	2003	11/10/2003	NCP	INC	BJP	INC
15	West Bengal	2001	27/11/2001	Purilia Congress Party	INC	BJP	CPI
16	Delhi	1996	17/4/1996	Janata Dal (Bidhuri)	INC	JD	BJP
17	Pondicherry	2001	5/11/2001	Puducherry Makkal Congress	INC	BJP	INC
		2002	4/9/2002	Tamil Manila Congress (Moopanar) Party	INC	BJP	INC

Source: Created by the researcher based on Malhotra 2005 & Election Commission Reports on state assembly elections results.

Appendix 5

State Wise Number of Out-switches from Congress to other Parties

SL. No	State	Out-switches from Congress
1	Arunachal Pradesh	30
2	Assam	13
3	Bihar	24
4	Chhattisgarh	4
5	Goa	15
6	Gujarat	31
7	Himachal Pradesh	1
8	Jharkhand	2
9	Karnataka	15
10	Madhya Pradesh	30
11	Maharashtra	11
12	Manipur	17
13	Meghalaya	7
14	Mizoram	5
15	Nagaland	6
16	Odisha	4
17	Puducherry	7
18	Punjab	1
19	Telangana	18
20	Tripura	1
21	Uttar Pradesh	10
22	Uttarakhand	11
23	West Bengal	24
	Total	287

Source: Calculations based on the data compiled by the researcher.

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A CRITIQUE ON THE ADJUDICATORY POWER OF THE SPEAKER ON DEFECTIONS

Latha K .V

Assistant Professor of Political Science, GFGC-Koppa, affiliated to the University of Mysore and PhD
Research Scholar at University of Hyderabad

Abstract

Defections have become everyday phenomena in recent times in Indian democracy. Party switching/defections by the elected representatives is playing an important role in changing and altering the power equilibrium of governments in-between the elections. This paper tries to examine the role of the Speaker in exercising his adjudicatory power of deciding on defections. It takes cases of several state assemblies to explain that the Speakers have moved beyond their Constitutional Convention of maintaining impartiality while exercising their powers as presiding officer of the house while deciding on disqualification of defectors. It argues that Speaker's partisan decision on defections has made the anti-defection law meaningless. The existing literature on defections in India mainly looks at the provisions and loopholes in Anti-defection law and the context of defections. Scant attention is paid to analyse the role of the Speaker. Thereby, this study attempts to analyse the role of the Speaker in deciding defections.

Key Words: Party Switching, Defections, Speaker, Partisan, Neutral

Introduction

The Speaker plays a vital role in the legislative process of proceedings of sessions, maintaining decorum in the house and deciding membership of the elected members in the case of defecting party or going against the party whip. He acts as a guardian of the rights and privileges of the house. Therefore, it is expected that the Speaker should be impartial, fair, and non-partisan regarding all affairs, including deciding the membership of defectors in the house. In many democratic countries, the speaker/presiding officer is supposed to function in a non-partisan manner. For instance, once a person is appointed as Speaker in the United Kingdom (UK), he resigns his party membership. Unlike in the UK, in India Speaker does not resign to his party membership officially. However, it is a constitutional convention that he/she should keep his party ties away while acting as a Speaker. Thereby, it is essential to assess the role of speakers in discharging their adjudicatory powers in India's democratic framework. As party switching is increasingly occurring across the parties and states, it intrigues us to see how, why, and when the speakers decide on these switchers. Hence, it is vital to understand the politics behind the Speaker's decisions on switchers in various contexts and political developments. This paper examines how the Speakers of various Legislative Assemblies have moved beyond their constitutional convention of maintaining impartiality in deciding on defections in different political contexts. Though there are many aspects in which Speakers act in a partisan manner, like disqualifying the members for protesting in the house or for 'unparliamentary behaviour' and more recently on declaring a bill as a money bill, etc. This paper focuses on the Speaker's partisan nature towards defections of Members of Legislative Assembly (MLAs). The study is significant because it examines the constitutional convention of the Speaker, i.e., whether speakers are impartial and neutral or carry their party ties while exercising their power as a judge in deciding on defections.

"Though a Congressman, it would be my duty and effort to deal with all members and sections of the House with justice and equity, and it would be my duty to be impartial and remain above all considerations of party or of political career".



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